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Part 1

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

HFIII: Towards a better evaluation of the results of judicial reform efforts in the Western Balkans – phase II “Dashboard Western Balkans II”

Data collection 2022

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

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

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Methodological Note

The methodology used for this report is fully based on the methodology used by the CEPEJ for its biennial evaluation cycles. The data is collected by using a questionnaire, which is filled out by the CEPEJ's Dashboard correspondents (the main contacts points within the judicial systems of the beneficiaries for this exercise). Their responses are statistically processed, analysed, and validated under the supervision of the CEPEJ Evaluation Working Group (CEPEJ-GT-EVAL). The CEPEJ works in full transparency with all beneficiaries during the whole process.

Data collection, validation and analysis

The CEPEJ Secretariat collects quantitative and qualitative data. Comments are also collected to provide additional information on the specificities of the beneficiaries' judicial system and to better contextualise the data.

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 data. The beneficiaries are liable for the quality of data provided in the survey.

According to the 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 amount of time in order to guarantee the reliability of the quantitative and qualitative data, which will eventually be presented to the European Commission (EC).

The data validation process has been implemented according to the CEPEJ's methodology. Nevertheless, the Beneficiary correspondent is responsible for the reliability and quality of the provided.

The first year of data collection for the Dashboard Western Balkans is 2019. This is considered as a base year to be presented in each consecutive cycle. The current report is based on the data from the reference year 2022. Evolutions/trends and variations using previous data collection are presented where relevant. CEPEJ will focus on up to 5 cycles (including the base year) in all the deliverables throughout the duration of the project.

The report is composed of two parts:

- Part 1- Comparative tables and graphs for all Western Balkans beneficiaries with summary overviews and comments per indicator (1 files)
- Part 2- Beneficiary profiles (6 files). There is one beneficiary profile per beneficiary, and each is divided in a Part A and a Part B.

This structure was discussed and agreed upon with the EC during previous cycle and was only updated in this cycle. The delivery date is 31 May for Part 1, and 30 June for Part 2.

It should be noted that the content of the Beneficiary profiles was elaborated by the CEPEJ Secretariat and the Greco Secretariat (with the assistance of one expert). Each Secretariat has implemented its own methodology. The analysis conducted by the CEPEJ Secretariat in the Beneficiary profiles is done based on the comments provided by the beneficiaries alongside the data.

The quality of data

The reader should always interpret the presented statistical figures together with the respective narrative comments.

The CEPEJ has chosen to process and show only the data which offered a high level of quality and accountability. Hence, it decided to disregard those replies that significantly varied between exercises and for which there was no relevant explanation provided by the Dashboard correspondent, to give sufficient guarantees of quality and reliability. For some issues covered by this study, no data could be provided. When a data is shown as “NA” (i.e., “Not available”), it means that the data was not available, the data could not be collected as such or no data meeting the quality and reliability requirements was provided by the deadline. As a consequence, there might be some instances where data are shown as “NA” while there was data presented in the previous CEPEJ exercises. This is critical to ensure a high level of data quality.

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. It demonstrates how the court, or the judicial system is coping with the in-flow of cases and allows comparison between systems regardless of their differences and individual characteristics.
- **DT:** Disposition Time. The Disposition Time is the calculated time necessary for a pending case to be resolved, considering the current pace of work. It is reached by dividing the number of pending cases at the end of a particular period by the number of resolved cases within that period, multiplied by 365. 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 case management system of the courts of each beneficiary. The methodology for the calculation provides one index point for each of the 5 questions for each case matter. The points for the 4 questions regarding the features of the CMS (i.e., excluding question on the deployment rate) are summarized and then multiplied by the deployment rate. In this way, if the system is not fully deployed, the value is lower than 4 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. Indeed, the specificities of each system, which might explain differences in the data, should be taken into account (e.g., different judicial structures, the approach of the courts organisation, use of statistical tools to evaluate the systems, etc.). This is especially true when a particular region like the Western Balkans is compared to the European Union. Since the Western Balkans region presents its own peculiarities (e.g., per capita GDP, budget distribution, litigiousness rate, number of tasks handled by the judges, number of judges etc.), the comparison with the European Union region might be misleading. As requested by the European Commission, this report presents, where relevant, the EU median. However, the EU median should not be considered as a benchmark for the Western Balkans region, but it should rather be considered as a “reference point in the p

Furthermore, it is crucial to notice that the data for calculating the 2022 EU median have not been collected yet. Hence, the 2021 EU median is included in this report. Yet, the reference year for the Dashboard Western Balkans is 2022. These statistics should be referred for orientation only since they are not for the same reference year and for that reason, they are not comparable and should not be jointly analysed.

2) Some of the data might be updated or changed after each delivery (31 May and 30 June), in case of comments provided by the beneficiaries. According to the CEPEJ methodology, only the final version of the report can be disseminated, i.e., after considering the comments by the beneficiaries. Before then, all the collected data remain confidential.

3) Changed requested by beneficiaries after the delivery of this report may appear in future reports, since the CEPEJ's database is regularly updated. For this reason, previous cycles' data presented in this report might be different from data presented in the reports for the previous cycles.

4) It should also be noted that the summary statistics (minimum, maximum, average and median values) are presented in this report as an orientation only. Kosovo* is not included in these summary statistics. Indeed, the group of beneficiaries is too small for the summary to be statistically meaningful. These statistics are calculated by using quantitative data, hence excluding the "NA" or "NAP" answers. Furthermore, in case data are available only for one or two beneficiaries, the summary statistics would not be useful even as an orientation. Consequently, they are shown as "-".

5) When using the data provided by the CEPEJ in public reports, EC should always mention "Source: CEPEJ data". CEPEJ will only be able to produce comparison data tables and graphs between member States of the Council of Europe. If the EC wants to compare data between the six beneficiaries by constructing new charts and tables adding Kosovo*, it should be made clear that it is of its responsibility even if the source of the data is the CEPEJ. This should be mentioned under each relevant table and/or graph.

6) The difficulty to present data for previous year continues to be a constrain for half of the beneficiaries and affects the quality of the information collected and validated for them.

* This designation 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	2022	Variation 2019 - 2022 (%)	2019	2020	2021	2022	Variation 2019 - 2022 (%)	2019	2020	2021	2022	2019	2020	2021	2022	Variation 2019 - 2022 (%)
Albania	2 845 955	2 845 955	2 793 592	2 793 592	-1,8%	4 780 €	4 460 €	5 450 €	5 489 €	14,8%	123,43	123,62	120,87	120,87	5 097 €	5 200 €	5 561 €	6 888 €	35,1%
Bosnia and Herzegovina	3 496 121	3 491 000	3 475 000	3 453 000	-1,2%	5 168 €	5 168 €	5 038 €	5 724 €	10,8%	1,96	1,96	1,96	1,96	8 724 €	9 056 €	9 461 €	10 571 €	21,2%
Montenegro	620 029	620 029	620 029	620 029	0,0%	7 959 €	7 959 €	6 737 €	8 002 €	0,5%	1,00	1,00	1,00	1,00	9 276 €	9 396 €	9 516 €	10 596 €	14,2%
North Macedonia	2 077 132	2 076 255	1 836 713	1 837 114	-11,6%	5 463 €	5 187 €	5 693 €	6 365 €	16,5%	61,50	61,69	61,65	61,49	7 469 €	8 214 €	8 703 €	9 297 €	24,5%
Serbia	6 963 764	6 951 235	6 871 547	6 797 105	-2,4%	6 593 €	6 092 €	7 697 €	8 876 €	34,6%	117,59	117,58	117,58	118,00	7 737 €	8 471 €	9 156 €	10 504 €	35,8%
Kosovo*	1 782 115	1 782 115	1 798 188	1 812 577	1,7%	3 746 €	3 986 €	3 772 €	4 486 €	19,8%	1,00	1,00	1,00	1,00	6 696 €	7 224 €	5 592 €	5 808 €	-13,3%
Average	3 200 600	3 196 895	3 119 376	3 100 168	-3,4%	5 993 €	5 773 €	6 123 €	6 891 €	15,5%					7 661 €	8 067 €	8 479 €	9 571 €	26,2%
Median	2 845 955	2 845 955	2 793 592	2 793 592	-1,8%	5 463 €	5 187 €	5 693 €	6 365 €	14,8%					7 737 €	8 471 €	9 156 €	10 504 €	24,5%
Minimum	620 029	620 029	620 029	620 029	-11,6%	4 780 €	4 460 €	5 038 €	5 489 €	0,5%					5 097 €	5 200 €	5 561 €	6 888 €	14,2%
Maximum	6 963 764	6 951 235	6 871 547	6 797 105	0,0%	7 959 €	7 959 €	7 697 €	8 876 €	34,6%					9 276 €	9 396 €	9 516 €	10 596 €	35,8%

* 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*

The provided figures for the population for **Albania, Bosnia and Herzegovina,** and **Kosovo*** is for 2021, while for **Montenegro** it is given in accordance with the census from 2011.

The GDP per capita for **Bosnia and Herzegovina, Montenegro, North Macedonia and Kosovo** is for 2021

North Macedonia: a census of the population was undertaken in 2021. As a result, the figure for the population dropped in that year compared to the previous cycles.

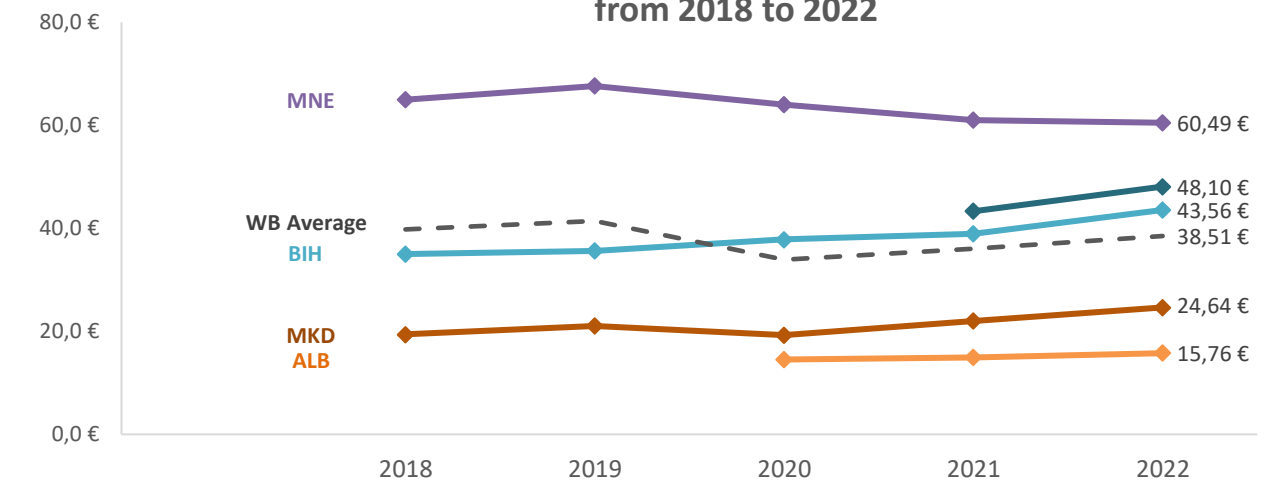
1. Budget - Overview

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

Implemented Judicial system budget per inhabitant (Tables 1.1.5 and 1.1.6)

Beneficiaries	2018	2019	2020	2021	2022	% variation 2018-2022	% variation 2021-2022
Albania	NA	NA	14,5 €	14,9 €	15,8 €	NA	5,7%
Bosnia and Herzegovina	35,0 €	35,6 €	37,8 €	39,0 €	43,6 €	24,5%	11,8%
Montenegro	65,0 €	67,6 €	64,0 €	61,0 €	60,5 €	-6,9%	-0,9%
North Macedonia	19,4 €	21,0 €	19,3 €	22,0 €	24,6 €	27,1%	12,0%
Serbia	NA	NA	NA	43,3 €	48,1 €	NA	11,1%
Kosovo*	-	24,6 €	23,6 €	23,2 €	23,9 €	-	3,1%
WB Average	39,8 €	41,4 €	33,9 €	36,0 €	38,5 €	14,9%	8,0%

Figure 1.1 Implemented Judicial system budget per inhabitant from 2018 to 2022



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: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the **Serbia' courts and legal aid budgets are not comparable to the others in the region.**

Implemented Judicial system budget as % of GDP (Table 1.1.4)

Beneficiaries	2018	2019	2020	2021	2022	Variation 2018-2022 (percentage points)	Variation 2021-2022 (percentage points)
Albania	NA	NA	0,33%	0,27%	0,29%	NA	0,01
Bosnia and Herzegovina	0,72%	0,69%	0,73%	0,77%	0,76%	0,04	-0,01
Montenegro	0,88%	0,85%	0,80%	0,91%	0,76%	-0,12	-0,15
North Macedonia	0,38%	0,38%	0,37%	0,39%	0,39%	0,01	0,00
Serbia	NA	NA	NA	0,56%	0,54%	NA	-0,02
Kosovo*	-	0,66%	0,59%	0,61%	0,53%	-	-0,08
WB Average	0,66%	0,64%	0,56%	0,58%	0,55%	-0,02	-0,03

Figure 1.2 Implemented Judicial system budget as % of GDP from 2018 to 2022

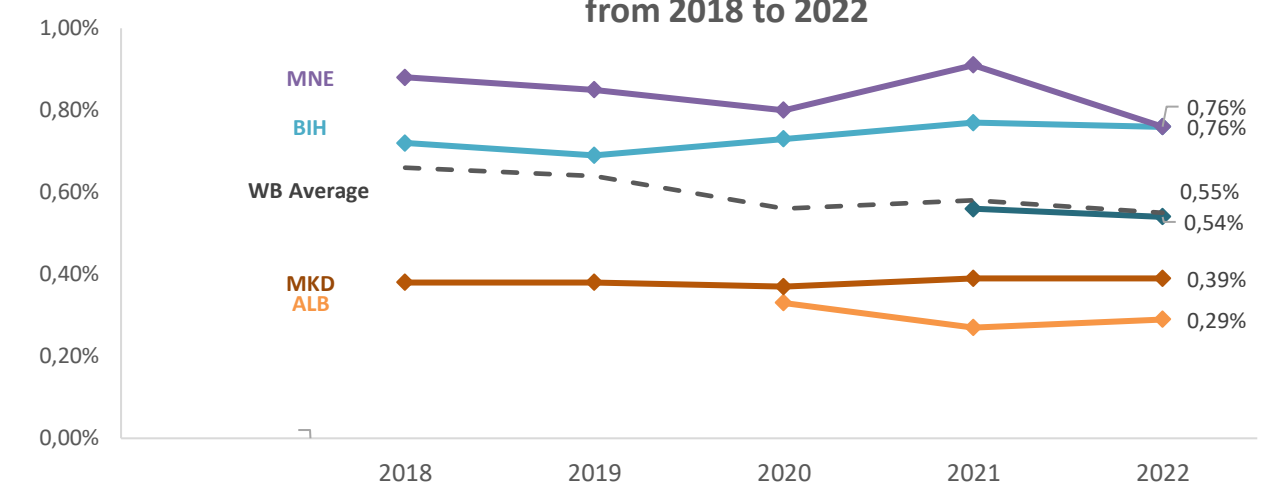


Figure 1.3 Implemented Judicial System Budget (JSB) per inhabitant in relation with the GDP per capita in 2021 and 2022



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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 2022 and variation compared to 2021 (Table 1.1.4 and 1.1.6)

	Implemented budget in 2022			% Variation 2021 - 2022		
	Courts	Legal aid	Prosecution services	Courts	Legal Aid	Prosecution Services
Albania	25 708 104 €	317 121 €	18 007 396 €	12,7%	29,0%	-3,1%
Bosnia and Herzegovina	109 176 210 €	8 442 077 €	32 803 150 €	11,4%	20,1%	11,2%
Montenegro	27 646 460 €	108 776 €	9 752 592 €	-2,2%	-10,5%	3,1%
North Macedonia	35 305 926 €	521 612 €	9 434 563 €	13,3%	0,7%	8,0%
Serbia	280 386 376 €	92 056 €	46 436 933 €	9,8%	2801,0%	19,1%
Kosovo*	28 540 350 €	1 692 393 €	13 067 462 €	4,5%	-0,4%	0,5%
WB Average	49 459 175 €	1 896 328 €	23 286 927 €	9,0%	568,1%	7,7%

Serbia: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

Figure 1.4 Distribution of implemented Judicial System Budget allocated to courts, public prosecution services and legal aid in 2022

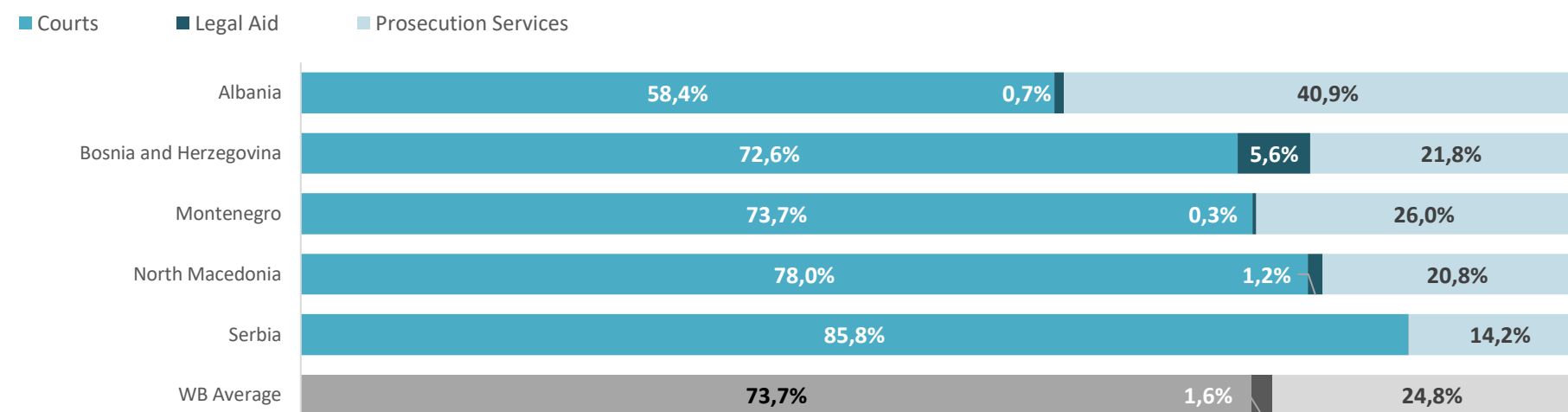
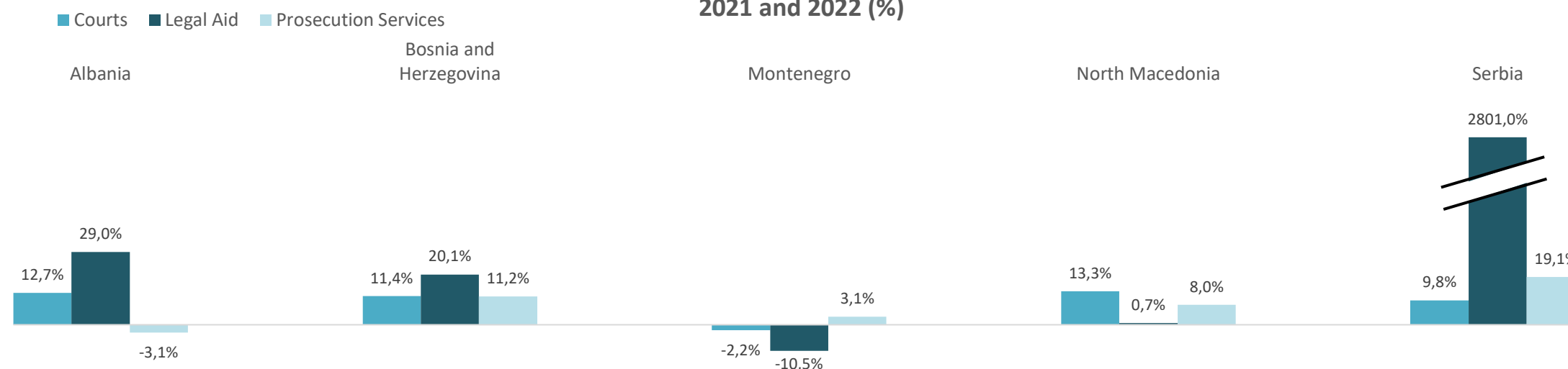


Figure 1.5 Variation of the implemented budget allocated to courts, Legal Aid and Prosecution Services between 2021 and 2022 (%)



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Kosovo* is not included in the calculation of summary statistics

1. Budget - List of tables

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will separately be shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2022 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2018 to 2022 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2022 and between 2021 and 2022 (Q1, Q2, Q4, Q5, Q6, Q12)

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2022 (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2018 to 2022 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2022 and between 2021 and 2022 (Q1, Q2, Q4, Q5, Q6, Q13)

1.1 Courts' Budget

Table 1.2.1 Categories of the approved court budget in 2022 - Absolute values in € (Q4)

Table 1.2.2 Categories of the implemented court budget in 2022 - Absolute values in € (Q4)

Table 1.2.3 Distribution of annual implemented court budget by categories in 2022 (Q4)

1.1 Whole Justice System Budget

Table 1.3.1 Whole justice system budget and its elements in 2022 (Q7, Q8 and Q9)

Table 1.3.2 Evolution of the whole justice system budget in € per capita between 2018 and 2022 (Q1 and Q7)

1.1 Donors' Contributions

Table 1.4.1 Estimated percentage of the external donor's contribution compared with the components of implemented judicial system and with the whole justice system budget between 2019 and 2022 (Q11)

1.1 Judicial System Budget (Courts Budget, Public Prosecution Services Budget, Legal Aid Budget - please note the Legal Aid Budget will separately be shown in Indicator 4)

Table 1.1.1 Approved budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2022 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	2022							
	Annual approved budget (absolute values)				Annual approved budget (standardised values)			
	Judicial system (1) + (2) + (3)	☞ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Albania	46 654 550 €	27 824 922 €	413 201 €	18 416 427 €	16,7 €	0,30%	10,0 €	0,18%
Bosnia and Herzegovina	NA	118 765 506 €	NA	34 350 939 €	NA	NA	34,4 €	0,60%
Montenegro	NA	26 041 953 €	NA	9 207 899 €	NA	NA	42,0 €	0,52%
North Macedonia	45 930 265 €	35 440 290 €	616 304 €	9 873 671 €	25,0 €	0,39%	19,3 €	0,30%
Serbia	NA	287 341 686 €	NA	47 147 856 €	NA	NA	42,3 €	0,48%
Kosovo*	48 893 447 €	30 350 365 €	1 877 134 €	16 665 948 €	27,0 €	0,60%	16,7 €	0,37%
Average	-	99 082 871 €	-	23 799 358 €	-	-	-	-
Median	-	35 440 290 €	-	18 416 427 €	-	-	-	-
Minimum	-	26 041 953 €	-	9 207 899 €	-	-	-	-
Maximum	-	287 341 686 €	-	47 147 856 €	-	-	-	-

Serbia: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the **Serbia' courts and legal aid budgets are not comparable to the others in the region.**

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Table 1.1.2 Evolution of the approved budget of the judicial system and its components in € per capita from 2018 to 2022 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	Approved budget of the judicial system and its components																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Albania	NA	NA	15,5 €	16,3 €	16,7 €	6,0 €	7,8 €	8,7 €	9,3 €	10,0 €	NA	0,05 €	0,13 €	0,20 €	0,15 €	4,2 €	NA	6,6 €	6,8 €	6,6 €
Bosnia and Herzegovina	NA	NA	NA	NA	NA	26,5 €	27,8 €	28,1 €	29,9 €	34,4 €	NA	NA	NA	NA	NA	8,1 €	8,6 €	8,5 €	8,8 €	9,9 €
Montenegro	NA	NA	NA	NA	NA	44,2 €	50,6 €	50,9 €	41,9 €	42,0 €	NA	NA	NA	NA	NA	14,4 €	14,8 €	15,5 €	14,8 €	14,9 €
North Macedonia	20,0 €	22,9 €	19,7 €	22,7 €	25,0 €	14,0 €	16,1 €	15,0 €	17,3 €	19,3 €	0,15 €	0,24 €	0,21 €	0,34 €	0,34 €	5,8 €	6,6 €	4,5 €	5,1 €	5,4 €
Serbia	NA	NA	NA	44,3 €	NA	31,7 €	NA	37,1 €	38,4 €	42,3 €	NA	NA	NA	0,01 €	NA	6,5 €	8,0 €	5,8 €	5,9 €	6,9 €
Kosovo*	-	25,5 €	24,9 €	23,3 €	27,0 €	-	16,3 €	16,2 €	15,1 €	16,7 €	-	1,23 €	0,98 €	0,95 €	1,04 €	-	8,0 €	7,7 €	7,3 €	9,2 €
Average	-	-	-	27,8 €	-	24,5 €	25,6 €	28,0 €	27,4 €	29,6 €	-	-	-	0,18 €	-	7,8 €	9,5 €	8,2 €	8,3 €	8,7 €
Median	-	-	-	22,7 €	-	26,5 €	21,9 €	28,1 €	29,9 €	34,4 €	-	-	-	0,20 €	-	6,5 €	8,3 €	6,6 €	6,8 €	6,9 €
Minimum	-	-	-	16,3 €	-	6,0 €	7,8 €	8,7 €	9,3 €	10,0 €	-	-	-	0,01 €	-	4,2 €	6,6 €	4,5 €	5,1 €	5,4 €
Maximum	-	-	-	44,3 €	-	44,2 €	50,6 €	50,9 €	41,9 €	42,3 €	-	-	-	0,34 €	-	14,4 €	14,8 €	15,5 €	14,8 €	14,9 €

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Kosovo* is not included in the calculation of summary statistics

Serbia: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

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 1.1.3 Variation in % of the annual approved budget of the judicial system (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2022 and between 2021 and 2022 (Q1, Q2, Q4, Q5, Q6, Q12)

Beneficiaries	% Variation of the annual approved budget							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022
Albania	NA	2,5%	66,7%	7,2%	NA	-24,6%	55,6%	-3,1%
Bosnia and Herzegovina	NA	NA	29,6%	15,0%	NA	NA	22,2%	13,0%
Montenegro	NA	NA	-5,0%	0,3%	NA	NA	2,9%	0,2%
North Macedonia	25,2%	10,3%	37,6%	11,8%	120,4%	-1,3%	-7,4%	6,0%
Serbia	NA	NA	33,5%	10,0%	NA	NA	6,7%	18,4%
Kosovo*	-	15,6%	-	11,0%	-	9,4%	-	26,1%
Average	-	-	32,5%	8,8%	-	-	16,0%	6,9%
Median	-	-	33,5%	10,0%	-	-	6,7%	6,0%
Minimum	-	-	-5,0%	0,3%	-	-	-7,4%	-3,1%
Maximum	-	-	66,7%	15,0%	-	-	55,6%	18,4%

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Kosovo* is not included in the calculation of summary statistics

Table 1.1.4 Implemented budget of the judicial system in € (budget allocated to courts, legal aid and public prosecution services) in 2022 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	2022							
	Annual implemented budget (absolute values)				Annual implemented budget (standardised values)			
	Judicial system (1) + (2) + (3)	€ Courts	(2) Legal aid	(3) Public prosecution system	Judicial system per capita	Judicial system as % of GDP	Courts per capita	Courts as % of GDP
Albania	44 032 621 €	25 708 104 €	317 121 €	18 007 396 €	15,8 €	0,29%	9,2 €	0,17%
Bosnia and Herzegovina	150 421 437 €	109 176 210 €	8 442 077 €	32 803 150 €	43,6 €	0,76%	31,6 €	0,55%
Montenegro	37 507 828 €	27 646 460 €	108 776 €	9 752 592 €	60,5 €	0,76%	44,6 €	0,56%
North Macedonia	45 262 101 €	35 305 926 €	521 612 €	9 434 563 €	24,6 €	0,39%	19,2 €	0,30%
Serbia	326 915 365 €	280 386 376 €	92 056 €	46 436 933 €	48,1 €	0,54%	41,3 €	0,46%
Kosovo*	43 300 205 €	28 540 350 €	1 692 393 €	13 067 462 €	23,9 €	0,53%	15,7 €	0,35%
Average	120 827 870 €	95 644 615 €	1 896 328 €	23 286 927 €	38,5 €	0,55%	38,5 €	0,41%
Median	45 262 101 €	35 305 926 €	317 121 €	18 007 396 €	43,6 €	0,54%	43,6 €	0,46%
Minimum	37 507 828 €	25 708 104 €	92 056 €	9 434 563 €	15,8 €	0,29%	15,8 €	0,17%
Maximum	326 915 365 €	280 386 376 €	8 442 077 €	46 436 933 €	60,5 €	0,76%	60,5 €	0,56%

* This designation is without prejudice to positions on 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: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the **Serbia' courts and legal aid budgets are not comparable to the others in the region.**

Table 1.1.5 Evolution of the implemented budget of the judicial system and its components in € per capita from 2018 to 2022 (budget allocated to courts, legal aid and public prosecution services) (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	Implemented budget of the judicial system and its components																			
	Judicial system (1) + (2) + (3) per capita					(1) Courts per capita					(2) Legal aid per capita					(3) Public prosecution system per capita				
	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Albania	NA	NA	14,5 €	14,9 €	15,8 €	5,9 €	7,5 €	8,3 €	8,2 €	9,2 €	NA	0,02 €	0,05 €	0,09 €	0,11 €	4,2 €	NA	6,2 €	6,7 €	6,4 €
Bosnia and Herzegovina	35,0 €	35,6 €	37,8 €	39,0 €	43,6 €	25,3 €	26,2 €	27,4 €	28,4 €	31,6 €	2,08 €	2,27 €	2,30 €	2,04 €	2,44 €	7,6 €	7,1 €	8,1 €	8,5 €	9,5 €
Montenegro	65,0 €	67,6 €	64,0 €	61,0 €	60,5 €	50,3 €	52,1 €	48,5 €	45,6 €	44,6 €	0,26 €	0,33 €	0,24 €	0,20 €	0,18 €	14,5 €	15,2 €	15,3 €	15,2 €	15,7 €
North Macedonia	19,4 €	21,0 €	19,3 €	22,0 €	24,6 €	13,8 €	15,2 €	14,9 €	17,0 €	19,2 €	0,14 €	0,19 €	0,16 €	0,28 €	0,28 €	5,5 €	5,6 €	4,2 €	4,8 €	5,1 €
Serbia	NA	NA	NA	43,3 €	48,1 €	31,0 €	NA	36,2 €	37,6 €	41,3 €	NA	NA	NA	0,00 €	0,01 €	6,2 €	7,7 €	5,7 €	5,7 €	6,8 €
Kosovo*	-	24,6 €	23,6 €	23,2 €	23,9 €	-	15,7 €	15,3 €	15,1 €	15,7 €	-	1,19 €	0,78 €	0,94 €	0,93 €	-	7,7 €	7,5 €	7,2 €	7,2 €
Average	39,8 €	41,4 €	33,9 €	36,0 €	38,5 €	25,3 €	25,3 €	27,0 €	27,3 €	29,2 €	0,83 €	0,70 €	0,69 €	0,52 €	0,61 €	7,6 €	8,9 €	7,9 €	8,2 €	8,7 €
Median	35,0 €	35,6 €	28,5 €	39,0 €	43,6 €	25,3 €	20,7 €	27,4 €	28,4 €	31,6 €	0,26 €	0,26 €	0,20 €	0,20 €	0,18 €	6,2 €	7,4 €	6,2 €	6,7 €	6,8 €
Minimum	19,4 €	21,0 €	14,5 €	14,9 €	15,8 €	5,9 €	7,5 €	8,3 €	8,2 €	9,2 €	0,14 €	0,02 €	0,05 €	0,00 €	0,01 €	4,2 €	5,6 €	4,2 €	4,8 €	5,1 €
Maximum	65,0 €	67,6 €	64,0 €	61,0 €	60,5 €	50,3 €	52,1 €	48,5 €	45,6 €	44,6 €	2,08 €	2,27 €	2,30 €	2,04 €	2,44 €	14,5 €	15,2 €	15,3 €	15,2 €	15,7 €

* 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

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: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

Table 1.1.6 Variation in % of the annual implemented budget of the judicial system per inhabitant (budget allocated to courts, legal aid and public prosecution services) between 2018 and 2022 and between 2021 and 2022 (Q1, Q2, Q4, Q5, Q6, Q13)

Beneficiaries	% Variation of the annual implemented budget per inhabitant							
	Judicial system (1) + (2) + (3)		(1) Courts		(2) Legal aid		(3) Public prosecution system	
	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022	2018 - 2022	2021 - 2022
Albania	NA	5,7%	56,5%	12,7%	NA	29,0%	53,1%	-3,1%
Bosnia and Herzegovina	24,5%	11,8%	24,8%	11,4%	17,4%	20,1%	25,3%	11,2%
Montenegro	-6,9%	-0,9%	-11,3%	-2,2%	-33,7%	-10,5%	8,8%	3,1%
North Macedonia	27,1%	12,0%	39,6%	13,3%	110,1%	0,7%	-6,4%	8,0%
Serbia	NA	11,1%	33,0%	9,8%	NA	2801,0%	10,0%	19,1%
Kosovo*	-	3,1%	-	4,5%	-	-0,4%	-	0,5%
Average	14,9%	8,0%	28,5%	9,0%	31,3%	568,1%	18,2%	7,7%
Median	24,5%	11,1%	33,0%	11,4%	17,4%	20,1%	10,0%	8,0%
Minimum	-6,9%	-0,9%	-11,3%	-2,2%	-33,7%	-10,5%	-6,4%	-3,1%
Maximum	27,1%	12,0%	56,5%	13,3%	110,1%	2801,0%	53,1%	19,1%

* 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

1.1 Courts' Budget

Table 1.2.1 Categories of the approved court budget in 2022 - Absolute values in € (Q4)

Beneficiaries	Categories of the annual approved court budget in 2022 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	27 824 922 €	20 046 009 €	NA	NA	NA	NA	NA	NA	0 €	NA
Bosnia and Herzegovina	118 765 506 €	96 216 273 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	26 041 953 €	21 114 970 €	187 258 €	103 019 €	84 239 €	NA	50 392 €	135 481 €	28 422 €	4 525 431 €
North Macedonia	35 440 290 €	25 894 623 €	2 245 480 €	2 009 093 €	236 387 €	542 612 €	2 076 085 €	443 233 €	NAP	4 238 257 €
Serbia	287 341 686 €	171 954 062 €	7 741 164 €	2 257 028 €	5 484 136 €	NA	NA	NA	NAP	NA
Kosovo*	30 350 365 €	24 399 325 €	502 101 €	237 961 €	264 139 €	330 000 €	200 000 €	1 608 000 €	0 €	2 808 839 €
Average	99 082 871 €	67 045 187 €	3 391 301 €	1 456 380 €	1 934 921 €	-	-	-	-	-
Median	35 440 290 €	25 894 623 €	2 245 480 €	2 009 093 €	236 387 €	-	-	-	-	-
Minimum	26 041 953 €	20 046 009 €	187 258 €	103 019 €	84 239 €	-	-	-	-	-
Maximum	287 341 686 €	171 954 062 €	7 741 164 €	2 257 028 €	5 484 136 €	-	-	-	-	-

* This designation is without prejudice to positions on 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: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

Table 1.2.2 Categories of the implemented court budget in 2022 - Absolute values in € (Q4)

Beneficiaries	Categories of the annual implemented court budget in 2022 - Absolute values									
	Total	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
			Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	25 708 104 €	18 509 365 €	216 391 €	182 948 €	33 443 €	229 243 €	501 383 €	0 €	0 €	6 251 723 €
Bosnia and Herzegovina	109 176 210 €	93 309 769 €	1 922 788 €	NA	NA	513 702 €	8 864 318 €	11 385 €	97 919 €	4 456 328 €
Montenegro	27 646 460 €	20 247 520 €	121 013 €	64 613 €	56 399 €	NA	21 381 €	14 791 €	11 399 €	7 230 357 €
North Macedonia	35 305 926 €	25 878 156 €	2 155 823 €	1 921 526 €	234 297 €	542 612 €	2 076 085 €	443 233 €	NAP	4 210 017 €
Serbia	280 386 376 €	171 209 853 €	5 553 769 €	1 676 448 €	3 877 321 €	NA	NA	NA	NAP	NA
Kosovo*	28 540 350 €	23 747 373 €	465 402 €	219 813 €	245 588 €	319 819 €	189 120 €	782 413 €	0 €	2 570 822 €
Average	95 644 615 €	65 830 933 €	1 993 957 €	961 384 €	1 050 365 €	428 519 €	2 865 792 €	117 352 €	36 439 €	5 537 106 €
Median	35 305 926 €	25 878 156 €	1 922 788 €	929 698 €	145 348 €	513 702 €	1 288 734 €	13 088 €	11 399 €	5 354 026 €
Minimum	25 708 104 €	18 509 365 €	121 013 €	64 613 €	33 443 €	229 243 €	21 381 €	0 €	0 €	4 210 017 €
Maximum	280 386 376 €	171 209 853 €	5 553 769 €	1 921 526 €	3 877 321 €	542 612 €	8 864 318 €	443 233 €	97 919 €	7 230 357 €

* This designation is without prejudice to positions on 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: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

Table 1.2.3 Distribution of annual implemented court budget by categories in 2022 (Q4)

Beneficiaries	Distribution of annual implemented court budget by categories in 2022								
	Salaries	Computerisation			Justice expenses	Court buildings (maintenance)	Investments in new (court) buildings	Training	Other
		Total (a+b)	Investments in computerisation (a)	Maintenance of the IT equipment of courts (b)					
Albania	72,0%	0,8%	0,7%	0,1%	0,9%	2,0%	0,0%	0,0%	24,3%
Bosnia and Herzegovina	NA	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	NA	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	73,3%	6,1%	5,4%	0,7%	1,5%	5,9%	1,3%	NAP	11,9%
Serbia	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	83,2%	1,6%	0,8%	0,9%	1,1%	0,7%	2,7%	0,0%	9,0%
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.



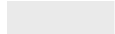

Kosovo is not included in the calculation of summary statistics*

Serbia: A part of the Legal Aid budget is included in the Courts' budget and cannot be separated. Therefore, the Serbia' courts and legal aid budgets are not comparable to the others in the region.

1.1 Whole Justice System Budget

Table 1.3.1 Whole justice system budget and its elements in 2022 (Q7, Q8 and Q9)

Beneficiaries	Whole justice system budget		Elements of the whole justice system budget in 2022																			
			Elements of the judicial system budget			Other elements of the whole justice system																
	Approved	Implemented	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	167 412 319 €																					
Bosnia and Herzegovina	257 260 352 €																					
Montenegro	54 590 196 €																					
North Macedonia	83 489 104 €	77 835 976 €																				
Serbia																						
Kosovo*	48 893 447 €	43 300 205 €																				
Average	140 687 993 €	-																				
Median	125 450 712 €	-																				
Minimum	54 590 196 €	-																				
Maximum	257 260 352 €	-																				

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 1.3.2 Evolution of the whole justice system budget in € per capita between 2018 and 2022 (Q1 and Q7)

Beneficiaries	Approved whole justice system budget per capita					Implemented whole justice system budget per capita				
	2018	2019	2020	2021	2022	2018	2019	2020	2021	2022
Albania	NA	49,7 €	43,0 €	NA	59,9 €	NA	53,61 €	40,65 €	NA	NA
Bosnia and Herzegovina	62,7 €	66,8 €	63,1 €	65,1 €	74,5 €	NA	NA	NA	NA	NA
Montenegro	85,6 €	87,6 €	88,6 €	82,3 €	88,0 €	NA	NA	NA	NA	NA
North Macedonia	32,0 €	37,0 €	33,0 €	38,5 €	45,4 €	30,66 €	32,66 €	31,39 €	36,52 €	42,37 €
Serbia	58,8 €	NA	NA	NA	NA	54,80 €	NA	NA	NA	NA
Kosovo*	-	37,9 €	40,8 €	NA	27,0 €	-	35,9 €	35,0 €	NA	23,9 €
Average	59,8 €	60,3 €	56,9 €	62,0 €	67,0 €	-	-	-	-	-
Median	60,7 €	58,3 €	53,0 €	65,1 €	67,2 €	-	-	-	-	-
Minimum	32,0 €	37,0 €	33,0 €	38,5 €	45,4 €	-	-	-	-	-
Maximum	85,6 €	87,6 €	88,6 €	82,3 €	88,0 €	-	-	-	-	-

* 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.

1.1 Donors' Contributions

Table 1.4.1 Estimated percentage of the external donor's contribution compared with the components of implemented judicial system and with the whole justice system budget between 2019 and 2022 (Q11)

Beneficiaries	Estimated percentage of the external donor's contribution compared with the components of implemented judicial system and with the whole justice system budget															
	2019				2020				2021				2022			
	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	Courts	Legal aid	Public prosecution system	Whole Justice system
Albania	NA	NA	NA	NA	NA	NA	NA	9,0%	NA	NA	NA	NA	0,0%	0,0%	0,0%	0,0%
Bosnia and Herzegovina	NA	NA	NA	NA	2,0%	9,0%	6,0%	NA	3,0%	6,0%	8,0%	NA	2,0%	5,0%	5,0%	NA
Montenegro	NA	NA	NA	NA	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%	2,0%	20,0%	11,0%	0,7%
Serbia	NA	NA	NA	NA	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	1,2%	2,7%	0,4%	NA
Average	-	-	-	-	-	-	-	-	-	-	-	-	1,3%	8,3%	5,3%	-
Median	-	-	-	-	-	-	-	-	-	-	-	-	2,0%	5,0%	5,0%	-
Minimum	-	-	-	-	-	-	-	-	-	-	-	-	0,0%	0,0%	0,0%	-
Maximum	-	-	-	-	-	-	-	-	-	-	-	-	2,0%	20,0%	11,0%	-

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

Kosovo is not included in the calculation of summary statistics*

Indicator 1 - Budget

by country

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the 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.

Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or 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 12. Annual approved public budget allocated to legal aid, in €.

Question 13. Annual implemented public budget allocated to legal aid in €.

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

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

Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot 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:

Albania

Q004 (2022): Total - Annual public budget allocated to the judicial system = TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) + Annual public budget allocated to the HJC + Annual public budget allocated to the CIT regarding the specific figures there is a discrepancy of 1 Euro. ;Total Annual public budget allocated to the judicial system: 27,824,922+ 2,385,360 +39,509 = 30,249,791

The training in courts is divided in 2 different parts, the training of magistrates is done by the School of Magistrates with their own budget, while the training of all non-magistrate staff is done by the HJC, for different reasons the budget this year has been planned as 0.

7. Other (please specify): Office service costs (Letter, Office, toners, etc.) 651,478

Diet Travel Expenses: Implemented budget 69,635

Transportation services: Implemented budget 361,252

Expenditure on security guards: Implemented budget 700,670

Software program Implemented budget 2,683,887

Other maintenance and operating costs Implemented budget 1,784,801

Annual public budget allocated to the HJC Approved budget (in €) 2,385,360; Implemented budget (in €) 2,153,634

Annual public budget allocated to the CIT 39,509 18,226

Total - Annual public budget allocated to the judicial system:

Approved budget (in €) 30,249,790

Implemented budget (in €) 27,879,965

Q004 (2021): Other expenses include: Office service costs (Letter, Office, toners, etc.) 1,456,599, Diet Travel 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.

Q006 (2021): At the prosecution, office there is no budget allocated to training of public prosecution services. Please 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

Q013 (2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, 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 of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

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

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerate number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Q013-2 (General Comment): Persons who have the right to receive secondary legal assistance, according to articles 11 or 12, of this the law, enjoy the right to exemption from:

- a) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania;
- b) payment of court expenses (expenses for witnesses, experts, translators and inspection of items or on-site inspection), according to the provisions of the procedural legislation;
- c) the obligation to prepay the fee for the execution of the execution order at the service state judicial enforcement.

1. Exemption from the payment of court fees and court expenses is granted on the basis of a request which is drawn up according to the request form approved by the Minister of Justice.

2. The request for exemption from the payment of court fees and court expenses may presented:

- a) together with the request for secondary legal assistance;
- b) attached to the claim, in accordance with the provisions of the procedural legislation;
- c) at any stage of the process, until the judicial investigation is declared closed.

3. In the request for exemption from the payment of court fees and court expenses may exemption from payment of one, some or all court fees and/or costs is requested judicial, according to the provisions of Article 25 of this law.

4. The request for exemption from the payment of court fees and court expenses may presented by the person who enjoys the right to be exempted from paying court fees and court costs, by a legal representative or with a power of attorney, or by the spouse, cohabitant or first degree relative.

5. The request for exemption from the payment of court fees and court expenses may presented in person or through the postal service.

The request for exemption from the payment of court fees and court expenses is submitted to the competent court for examining the case in substance.

2. The court examines the request in accordance with the provisions in the procedural legislation and, as far as it is possible, with the provisions of Article 22 of this law.

3. The court, in accordance with the provisions of this law and the provisions of the procedural legislation, after review of the request decides:

- a) acceptance of the request for exemption from the payment of court fees and court expenses;
- b) dismissal of the request for exemption from the payment of court fees and court expenses.

Against the decision of the court, an appeal can be made to the court of appeal, according to the provisions of the article 22 of law.

4. The decision to accept the request for exemption from the payment of court fees and expenses court is immediately notified to the Directorate of Free Legal Aid.

The court decision on the exemption from the payment of court fees and expenses constitutes a title executive and executed in accordance with the provisions of the procedural legislation.

2. The payment of court expenses, for which the exemption has been established, is covered by the budget approved for the Ministry of Justice and paid by the Directorate of Free

Q013-2 (2021): The court costs for the beneficiary citizens are paid/covered by the Free Legal Aid Directorate according to the procedures for the payment of court costs (Article 28 (2)). The bylaw on the remuneration of experts and witnesses (Art 28 (3)) and the procedures for the payment of court costs (Art 28 (4), 7 (gj)) regulate with which amount and when experts and witnesses are paid.

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

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

Q009 (2020): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organized Crime.

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Q010 (2022): During 2022 there have been no external donor's contributions, included in courts' budgets.

Q010 (2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe in Albania and the other by a contractor of USAID. However, no data are available for these project.

Q011 (2022): The exact answer is NAP we have not had any external donor fund.

Q011 (2020): 9 percent

Bosnia and Herzegovina

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

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

The reports on execution budgets make it possible to distinguish budget figures for all the elements in the table. The amounts of all items are calculated using the budget execution reports as the best possible estimation.

Q004 (2022): There are two reasons why the amounts allocated for judicial expenses and training in 2022 are higher compared to the amounts allocated in 2021. First, after operating at a limited capacity in 2021 due to the COVID-19 pandemic, the courts continued to operate at full capacity in 2022. Secondly, due to inflation, a significant increase in the prices of services was recorded in 2022, and therefore the services of expertise, interpretation and training have become more expensive. In several courts, the amount of funds allocated for these purposes increased by more than 100% in 2022 compared to 2021

As regards investment in new buildings, the amount of funds allocated for the construction of new court buildings fluctuates from year to year, because it directly depends on the amount of funds donated for this purpose.

Q004 (2021): 5. Annual public budget allocated to investments in new (court) buildings: Based on the insight into 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.

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

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

Q006 (2022): Some prosecution offices allocated a smaller amount of funding in connection with the training in the reporting year. However, the disparities in training funding for 2022 compared to 2021 are not significant considering the small value of absolute amounts the prosecution offices generally allocate for this purpose.

Q006 (2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not use all of the funds allocated for this purpose due to the reduction of the training activities in the context of the measures undertaken against the spread of COVID-19 pandemic.

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

Q012 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Q013 (General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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

- Prison system: A smaller amount of funds was planned for the construction of new prison buildings in 2020 following the completion of the new maximum-security prison in 2019;
- COVID-19 measures: In addition, some of the funds allocated in the 2020 budget for the justice system were transferred to finance the measures easing the economic and other problems caused by the COVID-19 pandemic.

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

Q008 (General Comment): There are no specialized institutions delivering probation services. The courts decide on some issues related to the probation matters, the relevant functionaries determine the matters related to the pardon of convicted defendants. Judicial management body is not included in the budgetary elements since the High Judicial Council of Bosnia and Herzegovina, which is included in the budgetary elements has the regulatory functions within the judicial system of Bosnia and Herzegovina. Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services; related costs are included in the public budget of the court, public prosecution system and the whole justice system, however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services; the budget allocated to social workers involved in the youth protection is not part of the judicial budget in Bosnia and Herzegovina. Refugees and asylum seekers services and immigration services are the responsibility of various institutions outside the justice system; in addition, related costs cannot be extracted from the overall budget of the relevant institutions. Notary chambers and notaries are not financed by the public budgets.

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

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

Q011 (2022): 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 nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.

Q011 (2021): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and USAID.

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Montenegro

Q004 (2022): -Differences relate to the enforcements via the Ministry of Finance (court experts and lawyers expenses) payed through enforcement procedures (e.g. bailiffs etc.)
- Other costs are other personal incomes, jubilee awards, severance payments, one time assistance payments, separate family life bonus, administrative/office material, fuel costs, energy bills, communication services, lawyer services, consulting services, banking services, licenses, insurances, employment contracts, utilities etc.

Q004 (2021): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.

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

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

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

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

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

Discrepancy clarifications:

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

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

-Annual public budget allocated to training - There was a decrease in the said amount due to the fact that this year a smaller number of trainings was conducted compared to the previous reporting because of the COVID-19 pandemics.

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

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

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.

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

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

Q006 (2020): The difference between the approved and implemented budget was due to the budget rebalance, all pursuant to the Law on Amendments to the Budget Law (Official Gazette of Montenegro 61/2020 as of 24 June 2020).

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

Source: Prosecutorial council

Q012 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

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 (2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

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

Q013-2 (General Comment): 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

Q007 (2022): Source: Law on Budget of Montenegro for 2022

Judiciary: 28.159.064 € (including Judicial Council)

State Prosecution Office: 9.207.899€ (including Prosecutorial Council) Centre for Training in Judiciary and State Prosecution Office: 437.754 €

Ministry of Justice: 5.230.899 € (figure including human rights sector)

Constitutional Court 998.887 €

Institute for Enforcement of Criminal Sanctions: 10.272.509 €

Center for Alternative Dispute Resolution (ADR) 283.126 €

Q007 (2021): Budget of Montenegro for 2021. ("Official gazette of MNE", no. 70/21)

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 €

Q007 (2020): Budget of Montenegro for 2020. ("Official gazette of MNE", no. 74/19, 61/20)

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 €

Q007 (2019): Source: Law on Budget of Montenegro for 2019. ("Official gazette of MNE", no. 87/2018, 45/2019)

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

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

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

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

Constitutional court of Montenegro: 1.129.415,52 €

Q009 (2022): Centre for Training in Judiciary and State Prosecution Office

Centre for Alternative Dispute Resolution (ADR)

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

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

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

Q010 (2021): National IPA projects

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 against serious and

Q010 (2020): National IPA projects

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Given the complexity and importance of the Rule of Law system in the context of reform activities in Montenegro, a number of projects and activities are taking place with the

Q010 (2019): National IPA projects

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.

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2.6. **Dashboard Western Balkans“**

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Overall objective: Increasing efficiency and cooperation between the regional and national institutions in fight against serious and organized crime. Duration: January 2018- March 2020

Given the complexity and importance of the Rule of Law system in the context of reform activities in Montenegro, a number of projects and activities are taking place with the support of the Kingdom of the Netherlands, The Kingdom of Norway, United Kingdom, United States, Federal Republic of Germany and other international partners.

North Macedonia

Q004 (General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc.

Q004 (2022): The court budget includes only the budget of all courts.

2. North Macedonia in 2022 allocated huge budget to investments in computerization (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new softwares (for example: for evaluation of judges).

4. Maintenance of the court buildings and operating costs in 2022 are higher due to new prices of gas and electricity in our country and on the world level, as a consequences from COVID-19 and war in Ukraine.

5. In 2022, the renovation of the new building of Administrative court was finished. That was the second phase of the plan with smaller allocated budget for finishing the project, since the budget of first phase of the plan was larger and implemented in 2021.

7. All the prices and costs in 2022 are higher due to inflation. Please, see also explanation for category 4.

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.

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

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

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

Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the Administrative Court. However, the renovation of the building was not realized, due to administrative-technical problems. In the 2020 budget, money for this purpose were not provided.

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

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

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

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

There has been an increase since 2018 of the budget in (4.2) computerization due to the fact that in 2019 there wasn't a supply of IT equipment for the courts from international projects. There has also been an increase of the budget for (4.3) Justice expenses due to higher amounts for the lay judges, higher costs for court expertise and increased Bar Tarriff. There has been a decrease in the budget allocated to (4.4) court buildings because part was allocated instead to investments in new court buildings. Finally, there has been an increased budget for the category (4.7) Other because allowances of judges were paid for previous years (2016,2017,2018) and because new cars were supplied for all courts in 2019.

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

Q006 (2019): Presented budget is for all public prosecution offices in the State including The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly on the 15th of September 2015. Budget of the Public Prosecution Office of the Republic of North Macedonia for 2019 is 10.060.753 Euro (approved) and 9.227.569 Euro (implemented) and Budget of Special Public prosecution office is: approved budget-3.717.610 Euro; implemented budget- 2.437.437 Euro.

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

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.

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

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

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

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

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

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

Q013 (2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.

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.

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

A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

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

Q013-2 (2021): According to procedural laws and Law on free legal aid.

Q007 (General Comment): The Budget for the whole justice system includes: whole Court budget, budget of the 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.

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

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

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

Total approved budget is lower because there is no presented budget for the Special Public Prosecutor office and a lower court budget and the budget of the Academy for judges and public prosecutors. For the reasons please see comment on Q4.

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

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

The portion of implemented budges are less in the Academy for judges and public prosecutors and Prisons. In the budget for Academy were planed money for salaries for candidates in the seventh generation, but this generation did not start till the end of 2019.

Q009 (2022): Ombudsman, Academy for judges and public prosecutors and Council of Public Prosecutors.

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.

Q009 (2019): Ombudsman budget.

Q010 (2022): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2022, 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. Regional projects are included in the total amount.

Q010 (2021): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 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 Financial Flows, Countering Serious Crimes in the Western Balkans-IPA 2019, Open Regional Fund for SEE-Legal reform, Regional project Enhancing penitentiary capacities in addressing radicalisation in prisons in Western Balkans, Regional project: iPROCEEDS – Targeting crime proceeds on the Internet in South Eastern Europe and Turkey.

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

All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional 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, Building capacities of South Eastern Europe to conduct financial investigations to effectively detect, deter and prosecute money laundering and the financing of terrorism as well as enhance regional and inter-agency cooperation, Promoting rule of law and good governance through targeted border control measures at ports and airports.

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

Q011 (2022): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 13 and 7 multiplied by 100.

Budget allocated to the whole justice system is 0,7

Q011 (2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.

Serbia

Q004 (General Comment): The budget system of RS provides for unified collection of court fees, which are all paid to 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 Judicial Council and the MoJ transfer to the courts for various items in Q6 also come from court fees.

Q004 (2022): Other: Seminars of judges, transportation, accommodation, solidarity aid, anniversary award, severance payments, new furniture, etc.

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

Q004 (2019): Data for 4.1 encompasses:

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

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

Implemented budget: 55,810,889.47 eur

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

Approved budget: 83,117,765.21 eur

Implemented budget: 82,885,723.90 eur

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

Data for 4.4. Annual public budget allocated to court buildings (maintenance, operating costs) – This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.5. Annual public budget allocated to investment in new and reconstruction buildings - (ex. reconstruction of Palace of Justice, construction of a new palace of justice in Kragujevac). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.6. Annual public budget allocated to training – Annual public budget allocated to training is given in the section addressing the Judicial Academy.

Data for 4.7. Includes budget for HJC and MoJ as well as the data of the judicial institutions on the state level (SCC, Misdemeanour Appellate Court, Commercial Appellate Court). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%. Includes other funds related to compensation of expenses for civil servants and employees (ex. costs of travel), jubilee awards, improving the material position of employees (stimulation).

Regarding the increase in this category with respect to the 2018 data, it is due to the many approved and effected payments made to citizens and companies (in bankruptcy

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

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

Q006 (2019): Supplied data is the sum of the budgets provided by the public prosecutor offices which are direct budget users (Republic Public Prosecutor's Office, War Crimes Prosecutor's Office and Organised Crime Prosecutor's Office), the MoJ and the State Prosecutorial Council (SPC). From 2018 the data is supplied as a new methodology is adopted: the budget categories which could not previously be differentiated from the court budget (buying of supplies, computers, investments in existing buildings, and other spending) are now differentiated with the following formula: courts: 85%; ppo's: 15%

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

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

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

Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

Q012 (2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers in criminal/civil proceedings (not including costs of ex officio defense prior to initiating of court proceedings).

Q013 (2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)

Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.

Q013 (2021): The budget for the Legal Aid is executed based on the requests from the municipalities (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, which is the cost covered by the High Judicial Council.

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

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

Data shall be available for the next report.

Q013 (2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers in criminal/civil proceedings (not including costs of ex officio defence prior to initiating of court proceedings).

Q013-2 (General Comment): The Law on Civil Procedure, Article 168:

The court shall exempt from payment of the costs of the proceedings a party who, due to his general financial situation, is not able to bear these costs.

Exemption from payment of costs of proceedings includes exemption from payment of fees and exemption from advance payment for costs of witnesses, experts, on-site inspections and court announcements.

The court may also exempt a party from paying the fee, in accordance with a special law.

When making a decision on exemption from paying the costs of the procedure, the court considers all the circumstances, and especially takes into account the value of the subject matter of the dispute, the number of persons supported by the party and income and property owned by the party and its family members.

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

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

Ministry of Justice approved budget: EUR 13,579,998.10 and implemented budget: EUR 12,979,860.75 Constitutional Court: EUR 3,173,935.82 and implemented: EUR 2,900,116.52 The budget for State Attorney's Office: approved budget: EUR 8,447,421.95 and implemented EUR: 6,723,198.11 The indicated total amount does not include the total budget for legal aid as it is N/A (some available economic classifications are included). Budgets for courts, pp, prison system, high councils for the judiciary, state attorney's office, MoJ and Constitutional Court are included.

Q008 (2019): The indicated total amount DOES NOT INCLUDE the total budget for legal aid as it is N/A. However, some available economic classifications are included - of the HJC and the relevant prosecution offices. From 2020 the full budget should be available as the Law on Free Legal Aid (2018) will be applicable during the span of the whole year.

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

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

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

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

Within the Component 3 of IPA 2013 project, which dealt with corruption repression, joint trainings for prosecution, courts, MoI and other state authorities were organized. It is not possible to divide costs per each institution. USDOJ / OPDAT was organized joint trainings for prosecution, courts and MoI, and it is not possible to divide cost for each institution.

Also, certification courses for fraud and money laundering (82 454 EUR) was organized for representatives of different state authorities (MoI, 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 MoI, Prosecution for organized crime, where is not possible to divide costs (eur 41 458), as well as donation of equipment and vehicles for Specialized departments for suppression of corruption, which is only dedicated to the prosecution (eur 208 935).

USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part of activities is being implements with funding from other donors.

OEBS organized joint trainings for courts, prosecution and MoI, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police in a fight against corruption, Phase 2 is primarily supported MoI, but there were organized joint trainings for MoI and prosecution, and implemented budget is not possible to divide.

Council of Europe Project Preventing money laundering and financing of terrorism in Serbia has been officially started 2020, but for the objective circumstances, implementation of activities started in November 2020. Within this period implementation of activities .started with other beneficiary institution's, and support to the RPPO is planned for 2021. The number Budget allocated to the whole justice system (question 7)- 3,941,467.

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

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

Kosovo*

Q004 (2022): Digitalization of services;

New courts to be build;

No financing trainings for 2022 due to budget cut.

Q004 (2021): Justice expenses budget increased because as the courts proceeded with full capacity after Covid 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.

Q004 (2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judicial Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning 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 in the approved and implemented budget of the sub2 is due to the purchase of new IT equipment(mainly new computers).

Q004 (2019): With regard to the budget allocated to training, there is a contract for training of IT staff and the payment has not been processed in 2019 but it will be processed in the first months of 2020 (it has not been processed yet). The implemented budget on new buildings differs significantly from the approved budget because there have planned four buildings to be built and only one of them has been built during 2019. Included in "Other" is the category good and services (includes office supplies and other material needed, i.e. paper, inventory etc.) as part of the KJC budge.

Q005 (2021): /

Q005 (2020): /

Q005 (2019): /

Q006 (2022): The initial approved budget for KPC was 17,144,178 € however, with budget reviews it was approved in the value of 14,596,934€ in total. The sum in the table 16,665,948.5 does not include the amount approved for lawyers (478,229.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 956,459€.

Q006 (2021): The initial approved budget for KPC was 14,441,527.61 € however, with budget reviews it was 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 the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

Q006 (2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

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

Q012 (2022): Budget increased

Q012 (2021): In KPC budget categories we don't have separate category for budget for lawyers, but the budget code 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.

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

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

Q013 (2021): As there was quite a budget cut for legal aid in 2020 due to the pandemic, in 2021 the budget was increased.

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

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

Q013-2 (2022): FLAA for its cases before the court is exempted from court fees.

Q013-2 (2021): NA

Q007 (2022): The budget includes:

-KJC: Approved: 30,350,365 and 28,540,350 implemented.

-KPC: Approved: 16,665,948 and 13,067,462 implemented.

-FLAA Approved: 1,877,134 and 1,692,393 implemented.

Q007 (2021): The figures provided for 2021 include the budget only for courts, prosecution and free legal aid. In the 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 free legal aid.

Q010 (2022): -KJC during 2022 had donations in the amount of €350,783.24 and that from UNDP and GIZ mainly for the support of the administrative staff in some courts of Kosovo (€48,627.95) and from the Norwegian Government for the SMIL project (€302,155.29).

-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.

-For FLAA funds have been allocated for the extension of free legal aid in municipalities where there is no regional office and mobile office for providing free legal aid and raising the professional capacities of officials.

During 2022, FLAA was also supported by the donor USAID - JAK through these activities:

- Publication of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters;
- Training for 5 trainers trained in the use of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters and the realization of trainings;
- Drafting of the report Mapping the Needs of Communities for Justice 2022;
- Organization of training on Mediation for 24 officials of ANJF;
- ANJF Communication Strategy 2022 - 2025;
- Support in the organization of the Free Legal Aid Week (23 – 27 May)
- Organization of 3 thematic roundtables with the participation of representatives from ANJF and NGOs that offer free legal assistance;
- Setting up the Info stand and distributing brochures with information about the ANJF, in Prizren during the Dokufest festival;
- Placement of permanent information shelves with brochures for the ANJF in the Basic Court in Mitrovica (in the south and north);
- Preparation and publication of the Video with information on the Agency for Free Legal Aid in sign language - dedicated to deaf people;
- Preparation, promotion and distribution of brochures in Braille with information on the Agency for Free Legal Aid and services, dedicated to blind people;
- Distribution of 1,100 questionnaires in 11 branches of the association HANDIKOS throughout Kosovo and summary of data from the respondents.

The donor USAID - JAK has implemented the budget, so we have no knowledge about the amount spent for the above activities.

Q010 (2021): -The KJC has received donations from UNDP and GIZ mainly as support to the administrative staff of 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 goods in the amount of € 2,221.24. The budget spent on this project was € 8,895.71.

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

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

With regard to Public Prosecution, the sum is the total of four donations: Donations from EULEX 12,013.00€, Training from EU 20,864.00€, UNDP 35,573.00€, Dutch Embassy 40,506.00€. There is also a donation from the US Embassy in Prishtina of IT equipment and furniture in the value of 175,655€. For clarification, these sums are not included in the annual budget of institutions.

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 0,22%, 0 44 is 0,44%, 3 25 is 3,25% and 12 19 is 12,19%.

Indicator 1 - Budget

by question No.

Question 4. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the 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.

Question 5. If you cannot answer question 4 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or 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 12. Annual approved public budget allocated to legal aid, in €.

Question 13. Annual implemented public budget allocated to legal aid in €.

Question 13-2. Do legal aid budgets indicated in Q12 and Q13 include:

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

Question 10. If external donor funds contribute to the budget of courts, prosecution services, legal aid and/or the whole justice system (see previous questions), please indicate the implemented amount. If you cannot 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 004

Albania

(2022): Total - Annual public budget allocated to the judicial system = TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7) + Annual public budget allocated to the HJC + Annual public budget allocated to the CIT regarding the specific figures there is a discrepancy of 1 Euro. ;Total Annual public budget allocated to the judicial system: 27,824,922+ 2,385,360 +39,509 = 30,249,791

The training in courts is divided in 2 different parts, the training of magistrates is done by the School of Magistrates with their own budge, while the training of all non-magistrate staff is done by the HJC, for different reasons the budget this year has been planned as 0.

7. Other (please specify): Office service costs (Letter, Office, toners, etc.) 651,478

Diet Travel Expenses: Implemented budget 69,635

Transportation services: Implemented budget 361,252

Expenditure on security guards: Implemented budget 700,670

Software program Implemented budget 2,683,887

Other maintenance and operating costs Implemented budget 1,784,801

Annual public budget allocated to the HJC Approved budget (in €) 2,385,360; Implemented budget (in €) 2,153,634

Annual public budget allocated to the CIT 39,509 18,226

Total - Annual public budget allocated to the judicial system:

Approved budget (in €) 30,249,790

Implemented budget (in €) 27,879,965

(2021): Other expenses include: Office service costs (Letter, Office, toners, etc.) 1,456,599, Diet Travel 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

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

Bosnia and Herzegovina

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

-TOTAL - Annual budget allocated to the functioning of all courts, and - 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 amounts of all items are calculated using the budget execution reports as the best possible estimation.

(2022): There are two reasons why the amounts allocated for judicial expenses and training in 2022 are higher compared to the amounts allocated in 2021. First, after operating at a limited capacity in 2021 due to the COVID-19 pandemic, the courts continued to operate at full capacity in 2022. Secondly, due to inflation, a significant increase in the prices of services was recorded in 2022, and therefore the services of expertise, interpretation and training have become more expensive. In several courts, the amount of funds allocated for these purposes increased by more than 100% in 2022 compared to 2021

As regards investment in new buildings, the amount of funds allocated for the construction of new court buildings fluctuates from year to year, because it directly depends on the amount of funds donated for this purpose.

(2021): 5. Annual public budget allocated to investments in new (court) buildings: Based on the insight into 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.

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

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

Montenegro

(2022): -Differences relate to the enforcements via the Ministry of Finance (court experts and lawyers expenses) payed through enforcement procedures (e.g. bailiffs etc.)

- Other costs are other personal incomes, jubilee awards, severance payments, one time assistance payments, separate family life bonus, administrative/office material, fuel costs, energy bills, communication services, lawyer services, consulting services, banking services, licenses, insurances, employment contracts, utilities etc.

(2021): The difference relates to the enforcements through the Ministry of Finance (court experts and lawyers), which are being payed by enforced collection.

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

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

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

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

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

Discrepancy clarifications:

-~~A~~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.

-~~A~~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 Montenegro on the adaptation of the building itself.

-~~A~~Annual public budget allocated to training - There was a decrease in the said amount due to the fact that this year a smaller number of trainings was conducted compared to the previous reporting because of the COVID-19 pandemics.

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

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

North Macedonia

(General Comment): In other are included: costs for mailing services, office materials, travel costs, costs for renting of apartments, new cars etc.

(2022): The court budget includes only the budget of all courts.

2. North Macedonia in 2022 allocated huge budget to investments in computerization (replacement of all old servers in all the courts and in the Judicial Council with new servers, 308 new computers, new laptops, 212 new printers, 64 new scanners, new softwares (for example: for evaluation of judges).
4. Maintenance of the court buildings and operating costs in 2022 are higher due to new prices of gas and electricity in our country and on the world level, as a consequences from COVID-19 and war in Ukraine.
5. In 2022, the renovation of the new building of Administrative court was finished. That was the second phase of the plan with smaller allocated budget for finishing the project, since the budget of first phase of the plan was larger and implemented in 2021.
7. All the prices and costs in 2022 are higher due to inflation. Please, see also explanation for category 4.

(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.

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

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

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

Regarding the line 5 (New court buildings), in 2019 money were provided for the renovation of the building of the Administrative Court. However, the renovation of the building was not realized, due to administrative-technical problems. In the 2020 budget, money for this purpose were not provided.

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

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

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

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

There has been an increase since 2018 of the budget in (4.2) computerization due to the fact that in 2019 there wasn't a supply of IT equipment for the courts from international projects. There has also been an increase of the budget for (4.3) Justice expenses due to higher amounts for the lay judges, higher costs for court expertise and increased Bar Tarriff. There has been a decrease in the budget allocated to (4.4) court buildings because part was allocated instead to investments in new court buildings. Finally, there has been an increased budget for the category (4.7) Other because allowances of judges were paid for previous years (2016,2017,2018) and because new cars were supplied for all courts in 2019.

Serbia

(General Comment): The budget system of RS provides for unified collection of court fees, which are all paid to 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 Judicial Council and the MoJ transfer to the courts for various items in Q6 also come from court fees.

(2022): Other: Seminars of judges, transportation, accommodation, solidarity aid, anniversary award, severance payments, new furniture, etc.

(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

(2019): Data for 4.1 encompasses:

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

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

Implemented budget: 55,810,889.47 eur

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

Approved budget: 83,117,765.21 eur

Implemented budget: 82,885,723.90 eur

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

Data for 4.4. Annual public budget allocated to court buildings (maintenance, operating costs) – This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.5. Annual public budget allocated to investment in new and reconstruction buildings - (ex. reconstruction of Palace of Justice, construction of a new palace of justice in Kragujevac). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%, in line with the use of the building premises by the courts and ppo's. Data for 4.6. Annual public budget allocated to training – Annual public budget allocated to training is given in the section addressing the Judicial Academy.

Data for 4.7. Includes budget for HJC and MoJ as well as the data of the judicial institutions on the state level (SCC, Misdemeanour Appellate Court, Commercial Appellate Court). This court budget data is from the 2018-2020 Evaluation Cycle (2018 data) onwards separated from the PPO data with the following formula, having in mind the proportional allocation of resources: courts: 85%; ppo's: 15%. Includes other funds related to compensation of expenses for civil servants and employees (ex. costs of travel), jubilee awards, improving the material position of employees (stimulation).

Regarding the increase in this category with respect to the 2018 data, it is due to the many approved and effected payments made to citizens and companies (in bankruptcy

Kosovo*

(2022): Digitalization of services;

New courts to be build;

No financing trainings for 2022 due to budget cut.

(2021): Justice expenses budget increased because as the courts proceeded with full capacity after Covid 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.

(2020): Budget allocated to computerization includes 160,000 for buying computers and IT equipment for Kosovo Judicial Council and Courts, and 150,000 for the maintenance of the IT system. Concerning sub-q. 3, there is a considerable discrepancy with the data from the previous year. This is because, in the data from the last year, we did not deduct the amount dedicated to free legal aid. So, the data from the previous year regarding the total budget for this sector should be minus the sum dedicated to free legal aid. Concerning 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 in the approved and implemented budget of the sub2 is due to the purchase of new IT equipment(mainly new computers).

(2019): With regard to the budget allocated to training, there is a contract for training of IT staff and the payment has not been processed in 2019 but it will be processed in the first months of 2020 (it has not been processed yet). The implemented budget on new buildings differs significantly from the approved budget because there have planned four buildings to be built and only one of them has been built during 2019. Included in "Other" is the category good and services (includes office supplies and other material needed, i.e. paper, inventory etc.) as part of the KJC budge.

Question 005

Montenegro

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

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

Serbia

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

Kosovo*

(2021): /

(2020): /

(2019): /

Question 006

Albania

(2021): At the prosecution, office there is no budget allocated to training of public prosecution services. Please 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

Bosnia and Herzegovina

(2022): Some prosecution offices allocated a smaller amount of funding in connection with the training in the reporting year. However, the disparities in training funding for 2022 compared to 2021 are not significant considering the small value of absolute amounts the prosecution offices generally allocate for this purpose.

(2020): The annual public budget allocated to the functioning of all prosecutors' offices is different from actually implemented budget mainly because the prosecutors' offices could not implement some of the allocated budget funds, as certain number of judicial and non-judicial positions were not filled in during the reporting year since the ongoing recruitment procedures have not been finalized fully. Also, the allocated budget for setting up the new unit for organized crime and corruption cases within one of the highest prosecutor's offices has not been implemented, because the new unit has not been established. The implemented annual public budget for training of public prosecution services declined considerably in 2020 compared to 2019, because the prosecutors' offices could not use all of the funds allocated for this purpose due to the reduction of the training activities in the context of the measures undertaken against the spread of COVID-19 pandemic.

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

Montenegro

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

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

Source: Prosecutorial council

North Macedonia

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

(2019): Presented budget is for all public prosecution offices in the State including The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly on the 15th of September 2015. Budget of the Public Prosecution Office of the Republic of North Macedonia for 2019 is 10.060.753 Euro (approved) and 9.227.569 Euro (implemented) and Budget of Special Public prosecution office is: approved budget-3.717.610 Euro; implemented budget- 2.437.437 Euro.

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

Serbia

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

(2019): Supplied data is the sum of the budgets provided by the public prosecutor offices which are direct budget users (Republic Public Prosecutor's Office, War Crimes Prosecutor's Office and Organised Crime Prosecutor's Office), the MoJ and the State Prosecutorial Council (SPC). From 2018 the data is supplied as a new methodology is adopted: the budget categories which could not previously be differentiated from the court budget (buying of supplies, computers, investments in existing buildings, and other spending) are now differentiated with the following formula: courts: 85%; ppo's: 15%

Kosovo*

(2022): The initial approved budget for KPC was 17,144,178 € however, with budget reviews it was approved in the value of 14,596,934€ in total. The sum in the table 16,665,948.5 does not include the amount approved for lawyers (478,229.5€). In our budget categories we don't have separate category for budget for lawyers, but the budget code is named "legal representation cost" which include lawyers and experts. The total budget approved for this category was 956,459€.

(2021): The initial approved budget for KPC was 14,441,527.61 € however, with budget reviews it was 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 the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

(2020): The discrepancies in the budget allocated to training is because of budgetary cuts and reallocation of funds. The approved budget refers to the final version of the budget allocation. So, after the situation with COVID 19, the budget was reviewed and reallocated.

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

Question 012

Bosnia and Herzegovina

(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

(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.

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

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

For line 2.for cases not brought to court (legal advice, ADR and other legal services) budget is planed in total budget for free legal aid. Because of that it not possible to be given separately.

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

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

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

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

Serbian law stipulates funding from the state budget and local self-government budget for cases brought to court (court fees and/or legal representation), as well as for mediators and public notaries as providers of free legal aid. These cases are funded 50% from the state budget and 50% from local self-government budget. The actual payment takes place following the completion of a certain phase of the proceedings. Given that the law started implementation on October 1st 2019, most cases brought to court have not yet been finalized.

(2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers in criminal/civil proceedings (not including costs of ex officio defense prior to initiating of court proceedings).

Kosovo*

(2022): Budget increased

(2021): In KPC budget categories we don't have separate category for budget for lawyers, but the budget code 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.

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

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

Question 013

Albania

(2021): Performance throughout 2021, the first year of full capacity operation of the free legal aid mechanism, 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 of judges due to the vetting process. This is reflected in the delays until the arrival of the liquidation practice in the Directorate.

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

Following the approval of the legal aid law, the budget of legal aid was increased substantially to provide for primary and secondary legal aid. The law foresees the opening of legal clinics, that will provide primary legal aid to all citizens. For 2020, 8 legal clinics were foreseen to be opened. Additionally, the criteria for providing secondary legal aid were clarified in the law, and they granted legal aid to a considerable number of applicants. With the establishment of the Legal Aid Directorate, courts started to grant secondary legal aid to applicants. (the Directorate is in charge of administering the court decision, and making the payment to the lawyer, based on that court decision). Hence, all these activities, were supported by an increased budget.

Bosnia and Herzegovina

(General Comment): The legal aid is financed through the budgets of individual courts (e.g. funds for legal aid are mainly used to pay for the services of ex officio appointed attorneys in criminal cases) and the budgets of legal aid institutions that are government bodies independent from the courts. The accounting methodology does not make it possible to distinguish the amount of budget funds earmarked by the courts for legal aid from other funds which are planned within the same line in the court budget. Though, it is possible to differentiate the amount of funds spent for legal aid in the implemented court budget. On the other hand the lawyers employed by the government legal aid institutions provide legal aid in different legal fields (i.e. representation in criminal, civil, administrative court proceedings; provision of legal advice outside of court or other proceedings), therefore it is not possible to split the planned or implemented budget funds of the legal aid institutions between different legal fields. In conclusion, it is only possible to make the calculation of the annual implemented public budget allocated to legal aid without dividing it among criminal and other than criminal cases.

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Montenegro

(2022): in 2022 no separate amount for legal aid for courts was allocated, but that was a part of the budget section 4146 - lawyer services. In 2022 for legal aid the amount implemented is 108.776 Eur

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

North Macedonia

(2022): Implementation of the new Law on free legal aid was one of the strategic goals. Campaigns in 2022 through the whole country to raise awareness of beneficiaries about their rights to free legal aid were very successful. These Numbers are the proof for improvement of usage of free legal aid system in our country.

(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.

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

A little increasing in the implemented public budget in the other than criminal cases, is due to the fact that we start with full implementation new Law on free legal aid where the conditions for obtaining legal aid are facilitated.

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

Serbia

(2022): Please note that the total amount refers only to the cases of granted free legal aid according the Law on free legal aid. This amount does not cover the free legal aid that was provided according to the Criminal Procedure Code (mandatory defense, etc.)

Q013: TOTAL - Annual implemented public budget allocated to legal aid (1 + 2) - 92056 euros. A greater number of cases of free legal aid in 2022 resulted in a greater amount of money spent on the provided free legal aid. The amount for 2022 is higher compared to the previous two years, taking into account that during 2022 all measures against covid-19 were canceled.

(2021): The budget for the Legal Aid is executed based on the requests from the municipalities (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, which is the cost covered by the High Judicial Council.

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

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

Data shall be available for the next report.

(2019): The figures supplied by the HCC (High Court Council/High Judicial Council), Public Prosecution for War Crimes and Public Prosecution for Organised Crimes (12.1, 13.1 TOTAL) pertain to the costs for lawyers in criminal/civil proceedings (not including costs of ex officio defence prior to initiating of court proceedings).

Kosovo*

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

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

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

Question 013-2

Albania

(General Comment): Persons who have the right to receive secondary legal assistance, according to articles 11 or 12, of this the law, enjoy the right to exemption from:

- a) payment of general and special fees, according to the provisions of the law on court fees in the Republic of Albania;
- b) payment of court expenses (expenses for witnesses, experts, translators and inspection of items or on-site inspection), according to the provisions of the procedural legislation;
- c) the obligation to prepay the fee for the execution of the execution order at the service state judicial enforcement.

1. Exemption from the payment of court fees and court expenses is granted on the basis of a request

which is drawn up according to the request form approved by the Minister of Justice.

2. The request for exemption from the payment of court fees and court expenses may presented:

- a) together with the request for secondary legal assistance;
- b) attached to the claim, in accordance with the provisions of the procedural legislation;
- c) at any stage of the process, until the judicial investigation is declared closed.

3. In the request for exemption from the payment of court fees and court expenses may exemption from payment of one, some or all court fees and/or costs is requested judicial, according to the provisions of Article 25 of this law.

4. The request for exemption from the payment of court fees and court expenses may be presented by the person who enjoys the right to be exempted from paying court fees and court costs, by a legal representative or with a power of attorney, or by the spouse, cohabitant or first degree relative.

5. The request for exemption from the payment of court fees and court expenses may be presented in person or through the postal service.

The request for exemption from the payment of court fees and court expenses is submitted to the competent court for examining the case in substance.

2. The court examines the request in accordance with the provisions in the procedural legislation and, as far as it is possible, with the provisions of Article 22 of this law.

3. The court, in accordance with the provisions of this law and the provisions of the procedural legislation, after review of the request decides:

a) acceptance of the request for exemption from the payment of court fees and court expenses;

b) dismissal of the request for exemption from the payment of court fees and court expenses.

Against the decision of the court, an appeal can be made to the court of appeal, according to the provisions of the article 22 of law.

4. The decision to accept the request for exemption from the payment of court fees and expenses court is immediately notified to the Directorate of Free Legal Aid.

The court decision on the exemption from the payment of court fees and expenses constitutes a title executive and executed in accordance with the provisions of the procedural legislation.

2. The payment of court expenses, for which the exemption has been established, is covered by the budget approved for the Ministry of Justice and paid by the Directorate of Free Legal Aid.

3. Payments made by the Free Legal Aid Directorate, according to point 2 of this article, cannot exceed the amount of remuneration for experts

(2021): The court costs for the beneficiary citizens are paid/covered by the Free Legal Aid Directorate according to the procedures for the payment of court costs (Article 28 (2)). The bylaw on the remuneration of experts and witnesses (Art 28 (3)) and the procedures for the payment of court costs (Art 28 (4), 7 (gj)) regulate with which amount and when experts and witnesses are paid.

Montenegro

(General Comment): 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): According to procedural laws and Law on free legal aid.

Serbia

(General Comment): The Law on Civil Procedure, Article 168:

The court shall exempt from payment of the costs of the proceedings a party who, due to his general financial situation, is not able to bear these costs.

Exemption from payment of costs of proceedings includes exemption from payment of fees and exemption from advance payment for costs of witnesses, experts, on-site inspections and court announcements.

The court may also exempt a party from paying the fee, in accordance with a special law.

When making a decision on exemption from paying the costs of the procedure, the court considers all the circumstances, and especially takes into account the value of the subject matter of the dispute, the number of persons supported by the party and income and property owned by the party and its family members.

Kosovo*

(2022): FLAA for its cases before the court is exempted from court fees.

(2021): NA

Question 007

Albania

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

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

Bosnia and Herzegovina

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

- Prison system: A smaller amount of funds was planned for the construction of new prison buildings in 2020 following the completion of the new maximum-security prison in 2019;
- COVID-19 measures: In addition, some of the funds allocated in the 2020 budget for the justice system were transferred to finance the measures easing the economic and other problems caused by the COVID-19 pandemic.

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

Montenegro

(2022): Source: Law on Budget of Montenegro for 2022

Judiciary: 28.159.064 € (including Judicial Council)

State Prosecution Office: 9.207.899€ (including Prosecutorial Council) Centre for Training in Judiciary and State Prosecution Office: 437.754 €

Ministry of Justice: 5.230.899 € (figure including human rights sector)

Constitutional Court 998.887 €

Institute for Enforcement of Criminal Sanctions: 10.272.509 €

Center for Alternative Dispute Resolution (ADR) 283.126 €

(2021): Budget of Montenegro for 2021. ("Official gazette of MNE", no. 70/21)

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 €

(2020): Budget of Montenegro for 2020. ("Official gazette of MNE", no. 74/19, 61/20)

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

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

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

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

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

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

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

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

Constitutional court of Montenegro: 1.129.415,52 €

North Macedonia

(General Comment): The Budget for the whole justice system includes: whole Court budget, budget of the 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. The biggest portion of the justice budget is allocated to the courts, prisons and public prosecution offices.

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

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

Total approved budget is lower because there is no presented budget for the Special Public Prosecutor office and a lower court budget and the budget of the Academy for judges and public prosecutors. For the reasons please see comment on Q4.

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

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

The portion of implemented budgets are less in the Academy for judges and public prosecutors and Prisons. In the budget for Academy were planned money for salaries for candidates in the seventh generation, but this generation did not start till the end of 2019.

Serbia

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

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

Ministry of Justice approved budget: EUR 13,579,998.10 and implemented budget: EUR 12,979,860.75 Constitutional Court: EUR 3,173,935.82 and implemented: EUR 2,900,116.52

The budget for State Attorney's Office: approved budget: EUR 8,447,421.95 and implemented EUR: 6,723,198.11 The indicated total amount does not include the total budget for legal aid as it is N/A (some available economic classifications are included). Budgets for courts, pp, prison system, high councils for the judiciary, state attorney's office, MoJ and Constitutional Court are included.

Kosovo*

(2022): The budget includes:

-KJC: Approved: 30,350,365 and 28,540,350 implemented.

-KPC: Approved: 16,665,948 and 13,067,462 implemented.

-FLAA Approved: 1,877,134 and 1,692,393 implemented.

(2021): The figures provided for 2021 include the budget only for courts, prosecution and free legal aid. In the 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

(General Comment): There are no specialized institutions delivering probation services. The courts decide on some issues related to the probation matters, the relevant functionaries determine the matters related to the pardon of convicted defendants. Judicial management body is not included in the budgetary elements since the High Judicial Council of Bosnia and Herzegovina, which is included in the budgetary elements has the regulatory functions within the judicial system of Bosnia and Herzegovina. Enforcement function (i.e. enforcement services) and judicial protection of juveniles are carried out within the courts and public prosecution services; related costs are included in the public budget of the court, public prosecution system and the whole justice system, however, there is no specific budget line related to the enforcement function of courts and judicial protection of juveniles by courts and public prosecution services; the budget allocated to social workers involved in the youth protection is not part of the judicial budget in Bosnia and Herzegovina. Refugees and asylum seekers services and immigration services are the responsibility of various institutions outside the justice system; in addition, related costs cannot be extracted from the overall budget of the relevant institutions. Notary chambers and notaries are not financed by the public budgets.

Serbia

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

Question 009

Albania

(2020): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organized Crime.

(2019): The budget also includes the functioning of the vetting institutions (Independent Qualification Commission, Public Commissioners and Appeals College), the School of Magistrates, the High Prosecutorial Council and the Special Prosecution against Corruption and Organised Crime. Please note that SPAK was established mid-2019 and its budget was approved through the midyear revision law. Hence, implemented budget is higher than approved budget.

Montenegro

(2022): Centre for Training in Judiciary and State Prosecution Office
Centre for Alternative Dispute Resolution (ADR)

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

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

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

North Macedonia

(2022): Ombudsman, Academy for judges and public prosecutors and Council of Public Prosecutors.

(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.

(2019): Ombudsman budget.

Serbia

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

Kosovo*

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

Question 010

Albania

(2022): During 2022 there have been no external donor's contributions, included in courts' budgets.

(2020): The above budget is the amount spent by the EU technical assistance mission EURALIUS, aiming to support the implementation of justice reform in Albania for 2020. However, please note that there are at least two other major projects aiming to support the justice system, one implemented by Council of Europe in Albania and the other by a contractor of USAID. However, no data are available for these project.

Bosnia and Herzegovina

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

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

Montenegro

(2021): National IPA projects

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 against serious and organized crime. Duration: January 2018- March 2020

Given the complexity and importance of the Rule of Law system in the context of reform activities in Montenegro, a number of projects and activities are taking place with the support of the Kingdom of the Netherlands, The Kingdom of Norway, United Kingdom, United States, Federal Republic of Germany and other international partners.

According to the "NMLoS" project, the money is expected to be spent for business travel expenses

IPA 2018: Development of a Business Intelligence (BIA) application to strengthen the capacity of the Financial Intelligence Unit. (Service contract, Value - 100.000€) The project has been arranged and is currently being implemented.

(2020): National IPA projects

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Duration: 10 months

Budget: 300.000 €

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North Macedonia

(2022): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 2022, 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. Regional projects are included in the total amount.

(2021): The external donor funds are provided to the Justice sector through implementation of relevant projects. Contribution of external donors is not a direct part of the national budget. In the table are given numbers from the projects which were realized in 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 Financial Flows, Countering Serious Crimes in the Western Balkans-IPA 2019, Open Regional Fund for SEE-Legal reform, Regional project Enhancing penitentiary capacities in addressing radicalisation in prisons in Western Balkans, Regional project: iPROCEEDS – Targeting crime proceeds on the Internet in South Eastern Europe and Turkey.

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

All relevant projects are counted in this question. Regional projects are not included in the total amount. Regional projects that were implemented in 2020 by the external donors in North Macedonia were: Regional 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, Building capacities of South Eastern Europe to conduct financial investigations to effectively detect, deter and prosecute money laundering and the financing of terrorism as well as enhance regional and inter-agency cooperation, Promoting rule of law and good governance through targeted border control measures at ports and airports.

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

Serbia

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

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

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

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

USAID GAI noted that there is no possibility to divide budget per institutions for 2019 and 2020, and that part of activities is being implements with funding from other donors. OEBS organized joint trainings for courts, prosecution and MoI, and implemented budget is not possible to divide . OEBS Project Strengthening capacities of Serbian police in a fight against corruption, Phase 2 is primarily supported MoI, but there were organized joint trainings for MoI and prosecution, and implemented budget is not possible to divide. Council of Europe Project Preventing money laundering and financing of terrorism in Serbia has been officially started 2020, but for the objective circumstances, implementation of activities started in November 2020. Within this period implementation of activities .started with other beneficiary institution's, and support to the RPPO is planned for 2021. The number Budget allocated to the whole justice system (question 7)- 3,941,467.

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

Kosovo*

(2022): -KJC during 2022 had donations in the amount of €350,783.24 and that from UNDP and GIZ mainly for the support of the administrative staff in some courts of Kosovo (€48,627.95) and from the Norwegian Government for the SMIL project (€302,155.29).

-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.

-For FLAA funds have been allocated for the extension of free legal aid in municipalities where there is no regional office and mobile office for providing free legal aid and raising the professional capacities of officials.

During 2022, FLAA was also supported by the donor USAID - JAK through these activities:

- Publication of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters;
- Training for 5 trainers trained in the use of the Manual of Legal Aid Practitioners in Kosovo in civil, family and property legal matters and the realization of trainings;
- Drafting of the report Mapping the Needs of Communities for Justice 2022;
- Organization of training on Mediation for 24 officials of ANJF;
- ANJF Communication Strategy 2022 - 2025;
- Support in the organization of the Free Legal Aid Week (23 – 27 May)
- Organization of 3 thematic roundtables with the participation of representatives from ANJF and NGOs that offer free legal assistance;
- Setting up the Info stand and distributing brochures with information about the ANJF, in Prizren during the Dokufest festival;
- Placement of permanent information shelves with brochures for the ANJF in the Basic Court in Mitrovica (in the south and north);
- Preparation and publication of the Video with information on the Agency for Free Legal Aid in sign language - dedicated to deaf people;
- Preparation, promotion and distribution of brochures in Braille with information on the Agency for Free Legal Aid and services, dedicated to blind people;
- Distribution of 1,100 questionnaires in 11 branches of the association HANDIKOS throughout Kosovo and summary of data from the respondents.

The donor USAID - JAK has implemented the budget, so we have no knowledge about the amount spent for the above activities.

(2021): -The KJC has received donations from UNDP and GIZ mainly as support to the administrative staff of 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 goods in the amount of € 2,221.24. The budget spent on this project was € 8,895.71.

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

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

With regard to Public Prosecution, the sum is the total of four donations: Donations from EULEX 12,013.00€, Training from EU 20,864.00€, UNDP 35,573.00€, Dutch Embassy 40,506.00€. There is also a donation from the US Embassy in Prishtina of IT equipment and furniture in the value of 175,655€. For clarification, these sums are not included in the annual budget of institutions.

Question 011

Albania

(2022): The exact answer is NAP we have not had any external donor fund.

(2020): 9 percent

Bosnia and Herzegovina

(2022): 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 nongovernmental organization that provides legal aid in Bosnia and Herzegovina. The most important donors are: the European Commission, USAID, Sweden, Norway, and Switzerland.

(2021): External donors provide funding for the IT system in judiciary and aimed at improving functioning of judiciary. Donor funds are not included in the budgets of courts, public prosecution services and legal aid institutions; the external funds are implemented in addition to the budgets within the projects financed by the donors or by a non-governmental organization that provides legal aid throughout Bosnia and Herzegovina. The biggest donors are: the European Commission, Sweden, Norway, Switzerland, and USAID.

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

North Macedonia

(2022): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 13 and 7 multiplied by 100.

Budget allocated to the whole justice system is 0,7

(2020): Contribution of external donors is not a direct part of the national budget. That is budget of the external donors. The percent is a number of the project budget from the Q10 divided with the implemented budget from Q 4, 6, 12/13 and 7 multiplied by 100.

Serbia

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

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 0,22%, 0 44 is 0,44%, 3 25 is 3,25% and 12 19 is 12,19%.

2. Professionals - Overview

2.1 Number of justice professionals

Number of justice professionals per 100 000 inhabitants in 2022 and variations (%) between 2018 and 2022 (Tables 2.1.1, 2.1.2, 2.1.5, 2.1.6, 2.1.9, 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.6 and 2.3.1)

Beneficiaries	Justice professionals per 100 000 inhabitants													
	Judges		Court Presidents		Non-judge staff		Prosecutors		Heads of prosecution services		Non-prosecutor staff		Lawyers	
	2022	% Variation 2018-2022	2022	% Variation 2018-2022	2022	% Variation 2018-2022	2022	% Variation 2018-2022	2022	% Variation 2018-2022	2022	% Variation 2018-2022	2022	% Variation 2018-2022
Albania	11,4	-8,1%	0,3	-81,6%	37,8	22,4%	7,2	NA	1,3	NA	21,2	NA	107,4	24,5%
Bosnia and Herzegovina	29,0	-1,3%	2,3	2,6%	99,9	4,1%	10,4	-4,8%	0,5	-5,3%	21,7	3,5%	57,4	16,7%
Montenegro	42,4	-15,2%	4,0	0,0%	179,0	13,5%	16,6	-13,4%	2,7	0,0%	43,5	21,6%	158,1	7,6%
North Macedonia	22,3	-20,0%	1,9	0,0%	119,6	10,7%	8,5	-15,1%	1,3	-17,9%	20,0	-12,8%	153,5	17,0%
Serbia	39,1	2,7%	2,3	3,2%	133,5	5,3%	10,4	-9,3%	1,3	0,0%	20,9	27,3%	173,9	20,3%
Kosovo*	23,3	-	0,6	-	87,7	-	8,9	-	0,6	-	36,5	-	69,2	-
WB Average	28,8	-8,4%	2,1	-15,1%	114,0	11,2%	10,6	-10,7%	1,4	-5,8%	25,5	9,9%	130,0	17,2%

For reference only, the 2021 EU medians are as follows: 24,1 judges per 100 000 inhabitants; 58,5 non-judge staff per 100 000 inhabitants; 10,8 prosecutors per 100 000 inhabitants; 14,7 non-prosecutors staff per 100 000 inhabitants and 122,4 lawyers per 100 000 inhabitants.

Figure 2.1 Judges, non-judge staff, prosecutors and non-prosecutor staff per 100 000 inhabitants in 2022

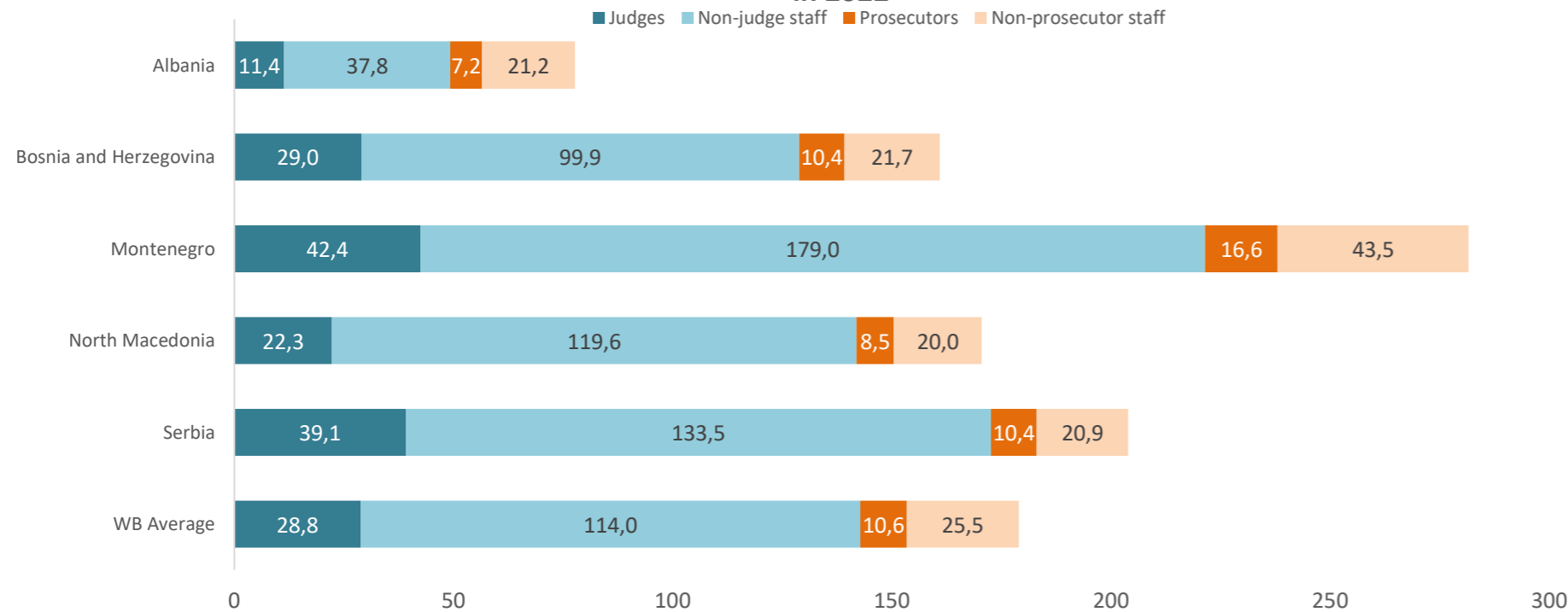
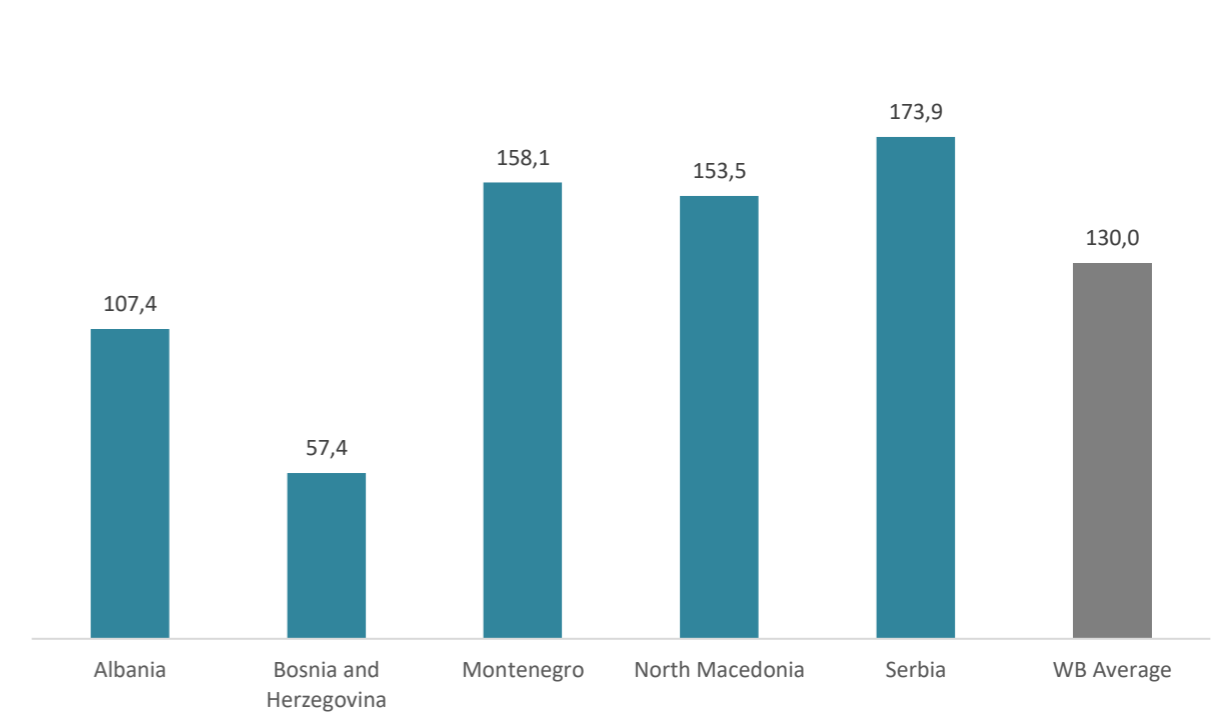


Figure 2.2 Lawyers per 100 000 inhabitants in 2022



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

2.1 Average gross salary of professional judges and prosecutors

Average gross salary of professional judges and prosecutors in 2022 (Tables 2.4.2, 2.4.3, 2.4.6 and 2.4.7)

Beneficiaries	Judges						Prosecutors					
	At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2022		At the beginning of the career		At the Supreme Court		Ratio with average gross annual national salary in 2022	
	2022	% Variation 2018-2022	2022	% Variation 2018-2022	At the beginning of the career	At the Supreme Court	2022	% Variation 2018-2022	2022	% Variation 2018-2022	At the beginning of the career	At the Supreme Court
Albania	25 304 €	85,0%	32 420 €	64,8%	3,67	4,71	23 507 €	105,6%	31 673 €	99,4%	3,41	4,60
Bosnia and Herzegovina	29 224 €	20,2%	55 907 €	32,0%	2,76	5,29	29 266 €	20,4%	55 611 €	31,3%	2,77	5,26
Montenegro	19 557 €	-9,2%	32 864 €	-32,4%	1,85	3,10	18 310 €	-1,8%	32 650 €	0,3%	1,73	3,08
North Macedonia	19 170 €	-2,7%	27 023 €	13,5%	2,06	2,91	18 014 €	26,9%	25 461 €	18,3%	1,94	2,74
Serbia	20 967 €	28,1%	49 741 €	29,4%	2,00	4,74	18 368 €	-0,6%	34 595 €	-1,9%	1,75	3,29
Kosovo*	22 939 €	-	31 860 €	-	3,95	5,49	22 939 €	-	31 860 €	-	5,49	5,49
WB Average	22 844 €	24,3%	39 591 €	21,5%	2,47	4,15	21 493 €	30,1%	35 998 €	29,5%	2,32	3,79

For reference only, the 2021 EU median for:

- the ratio of the judges' salary at the beginning of the career with average gross annual national salary is 1,9
- the ratio of the judges' salary at the Supreme Court with average gross annual national salary is 4,13

For reference only, the 2021 EU median for:

- the ratio of the prosecutors' salary at the beginning of the career with average gross annual national salary is 1,67
- the ratio of the prosecutors' salary at the Supreme Court with average gross annual national salary is 3,41

Figure 2.3 Judges' salary - Ratio with average gross annual national salary in 2022

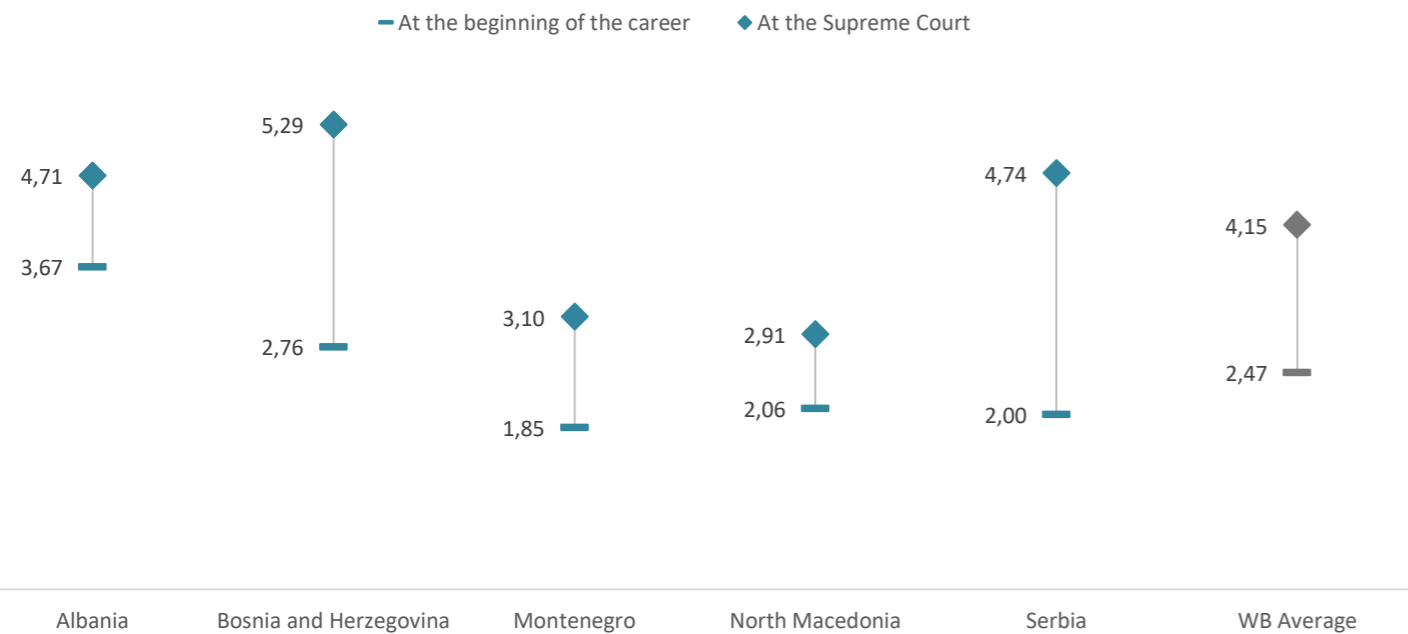
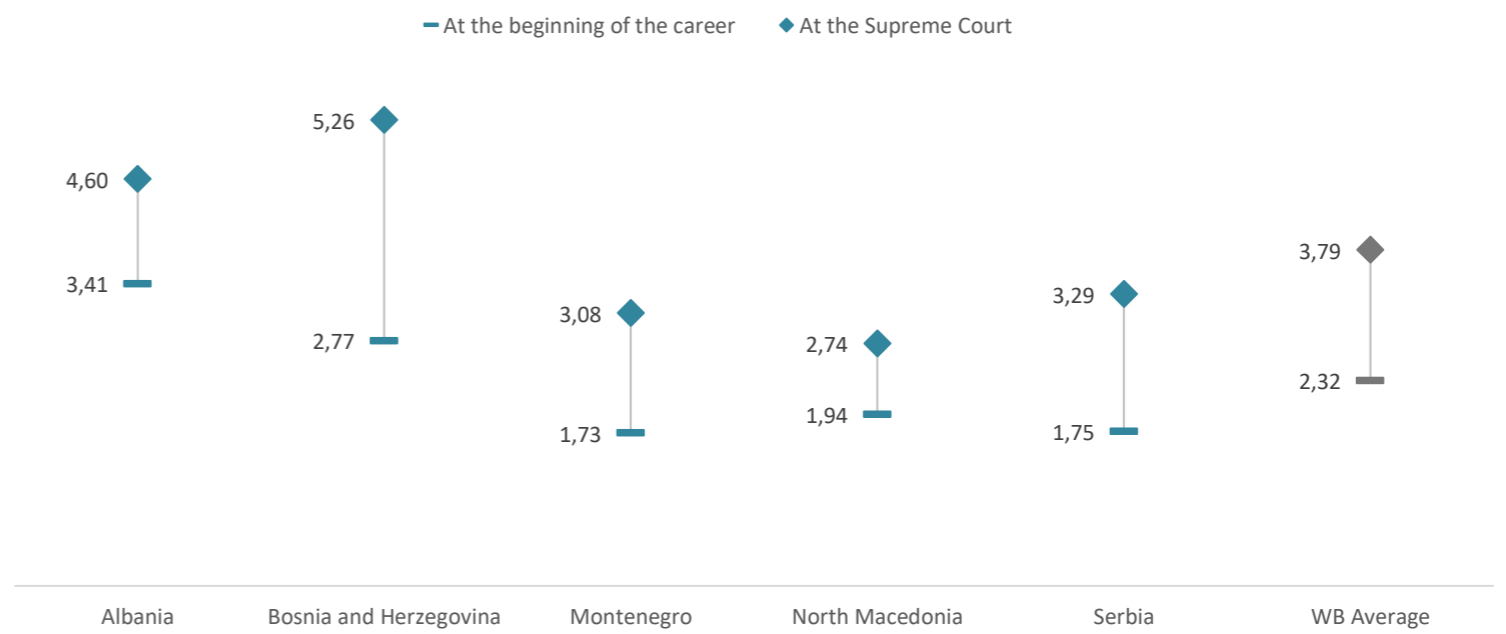


Figure 2.4 Prosecutors' salary - Ratio with average gross annual national salary in 2022



NB: In 2022, CEPEJ improved the methodology for data collection for salaries, especially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out 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. Professionals - List of tables

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and its variations between 2018 and 2022 and between 2021 and 2022 (Q19)

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2022 (Q1 and Q19)

Table 2.1.3 Distribution of professional judges by instance between 2019 and 2022 (Q19)

Table 2.1.4 Professional judges on occasional basis, non-professional judges and trial by jury with the participation of citizen in 2022 (Q20, Q21, Q22, Q23, Q24)

Table 2.1.5 Number of court presidents by instance in 2018 and 2022 (Q19-1)

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance in 2018 and 2022 (Q1 and Q19-1)

Table 2.1.7 Number of professional judges per court presidents by instance in 2022 (Q19 and Q19-1)

Table 2.1.8 Number of non-judge staff by category between 2018 and 2022 (Q26)

Table 2.1.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q1 and Q27)

Table 2.1.10 Number and distribution of non-judge staff by instance between 2018 and 2022 (Q27)

Table 2.1.11 Ratio of non-judge staff per professional judges between 2018 and 2022 (Q19, Q27)

2.2 Public prosecutors and non-prosecutor staff

Table 2.2.1 Number of prosecutors by instance and its variation between 2018 and 2022 and between 2021 and 2022, and persons with similar duties as prosecutors (Q28, Q29, Q30, Q31)

Table 2.2.1 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2022 (Q1 and Q28)

Table 2.2.3 Number of heads of prosecution offices by instance in 2018 and 2022 (Q28-1)

Table 2.2.4 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2022 (Q1 and Q28-1)

Table 2.2.5 Number of prosecutors per head of prosecution offices by instance in 2022 (Q28 and Q28-1)

Table 2.2.6 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q1 and Q32)

Table 2.2.7 Ratio of non-prosecutor staff per prosecutors between 2018 and 2022 (Q28, Q32)

2.3 Lawyers

Table 2.3.1 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q33 and Q34)

Table 2.3.2 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2022 (Q1, Q19 and Q33)

2. Professionals - List of tables

2.2 Salaries of judges and public prosecutors

Table 2.4.1 Salaries of judges in € and in local currency in 2022 (Q15)

Table 2.4.2 Ratio of the gross annual salaries of judges with average gross annual national salary in 2022 (Q14, Q15)

Table 2.4.3 Gross annual salaries of judges (in €) between 2018 and 2022 (Q14, Q15)

Table 2.4.4 Net annual salaries of judges (in €) between 2018 and 2022 (Q15)

Table 2.4.5 Salaries of public prosecutors in € and in local currency in 2022 (Q15)

Table 2.4.6 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2022 (Q14, Q15)

Table 2.4.7 Gross annual salaries of prosecutors (in €) between 2018 and 2022 (Q14, Q15)

Table 2.4.8 Net annual salaries of prosecutors (in €) between 2018 and 2022 (Q15)

Table 2.4.9 Additional benefits and productivity bonuses for judges and prosecutors in 2022 (Q16 and Q18)

Table 2.4.10 Other financial benefits for judges and prosecutors in 2022 (Q17)

2.1 Professional judges and non-judge staff

Table 2.1.1 Number of professional judges by instance and its variations between 2018 and 2022 and between 2021 and 2022 (Q19)

Beneficiaries	Number of professional judges																					
	2018				2019				2020				2021				2022				% 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	Total	First instance	Second instance	Supreme court	2018-2022	2021-2022
Albania	346	249	89	8	329	249	79	1	307	249	54	4	329	253	66	10	318	238	64	16	-8,1%	-3,3%
Bosnia and Herzegovina	1013	674	221	118	1011	664	226	121	1024	673	232	119	998	659	223	116	1000	652	234	114	-1,3%	0,2%
Montenegro	310	215	76	19	310	215	76	19	309	214	77	18	268	204	58	6	263	184	63	16	-15,2%	-1,9%
North Macedonia	511	385	101	19	496	381	96	19	493	376	95	22	473	362	92	19	409	315	80	14	-20,0%	-13,5%
Serbia	2586	2225	320	41	2702	2313	341	48	2649	2289	318	42	2720	2360	317	43	2657	2320	297	40	2,7%	-2,3%
Kosovo*	-	-	-	-	416	348	52	16	391	332	45	14	398	330	49	14	423	329	61	33	-	6,3%
Average	953	750	161	41	970	764	164	42	956	760	155	41	958	768	151	39	929	742	148	40	-8,4%	-4,2%
Median	511	385	101	19	496	381	96	19	493	376	95	22	473	362	92	19	409	315	80	16	-8,1%	-2,3%
Minimum	310	215	76	8	310	215	76	1	307	214	54	4	268	204	58	6	263	184	63	14	-20,0%	-13,5%
Maximum	2586	2225	320	118	2702	2313	341	121	2649	2289	318	119	2720	2360	317	116	2657	2320	297	114	2,7%	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

Table 2.1.2 Number of professional judges per 100 000 inhabitants by instance between 2018 and 2022 (Q1 and Q19)

Beneficiaries	Number of professional judges per 100 000 inhabitants																			
	2018				2019				2020				2021				2022			
	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	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	11,4	8,5	2,3	0,6
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	29,0	18,9	6,8	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	42,4	29,7	10,2	2,6
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	22,3	17,1	4,4	0,8
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	39,1	34,1	4,4	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	23,3	18,2	3,4	1,8
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	28,8	21,7	5,6	1,6
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	29,0	18,9	4,4	0,8
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	11,4	8,5	2,3	0,6
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	42,4	34,1	10,2	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

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 2.1.3 Distribution of professional judges by instance between 2019 and 2022 (Q19)

Beneficiaries	Distribution of professional judges											
	2019			2020			2021			2022		
	First instance	Second instance	Supreme court	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%	74,8%	20,1%	5,0%
Bosnia and Herzegovina	65,7%	22,4%	12,0%	65,7%	22,7%	11,6%	66,0%	22,3%	11,6%	65,2%	23,4%	11,4%
Montenegro	69,4%	24,5%	6,1%	69,3%	24,9%	5,8%	76,1%	21,6%	2,2%	70,0%	24,0%	6,1%
North Macedonia	76,8%	19,4%	3,8%	76,3%	19,3%	4,5%	76,5%	19,5%	4,0%	77,0%	19,6%	3,4%
Serbia	85,6%	12,6%	1,8%	86,4%	12,0%	1,6%	86,8%	11,7%	1,6%	87,3%	11,2%	1,5%
Kosovo*	83,7%	12,5%	3,8%	84,9%	11,5%	3,6%	82,9%	12,3%	3,5%	77,8%	14,4%	7,8%
Average	74,6%	20,6%	4,8%	75,8%	19,3%	5,0%	76,5%	19,0%	4,5%	74,9%	19,6%	5,5%
Median	75,7%	22,4%	3,8%	76,3%	19,3%	4,5%	76,5%	20,1%	3,0%	74,8%	20,1%	5,0%
Minimum	65,7%	12,6%	0,3%	65,7%	12,0%	1,3%	66,0%	11,7%	1,6%	65,2%	11,2%	1,5%
Maximum	85,6%	24,5%	12,0%	86,4%	24,9%	11,6%	86,8%	22,3%	11,6%	87,3%	24,0%	11,4%

* 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 2.1.4 Professional judges on occasional basis, non-professional judges and trial by jury with the participation of citizen in 2022 (Q20, Q21, Q22, Q23, Q24)

Beneficiaries	Non-professional judges										Professional judges on occasional basis			Trial by jury with the participation of citizens		
	Gross figure	Full-time equivalents	Type of cases where non-professional judges are involved								Gross figure	Full-time equivalents	Do they deal with a significant part of cases?	Included in the system	Type of cases	
			Criminal cases (severe)	Criminal cases (misdemeanour and/or minor)	Family cases	Labour cases	Social cases	Commercial cases	Insolvency cases	Other civil cases					Criminal cases	Other than criminal cases
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Bosnia and Herzegovina	154	NAP	Echevinage/mixed bench	Echevinage/mixed bench	No	No	No	No	No	No	58	NAP	No	No	NAP	NAP
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
North Macedonia	460	339	Echevinage/mixed bench	No	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	No	No	NAP	NAP	NAP	No	NAP	NAP
Serbia	1 925	NA	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	Echevinage/mixed bench	No	Echevinage/mixed bench	No	No	NAP	NAP	NAP	No	NAP	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	No	NAP	NAP
Average	846	-									-	-				
Median	460	-									-	-				
Minimum	154	-									-	-				
Maximum	1 925	-									-	-				

* 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 2.1.5 Number of court presidents by instance in 2018 and 2022 (Q19-1)

Beneficiaries	Number of court presidents by instance								
	2018				2022				% Variation of total number of court presidents 2018-2022
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Albania	38	28	9	1	7	5	2	0	-81,6%
Bosnia and Herzegovina	77	57	17	3	79	58	18	3	2,6%
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	159	152	6	1	3,2%
Kosovo*	-	-	-	-	10	8	1	1	-
Average	66	56	8	1	61	53	7	1	-15,1%
Median	38	28	6	1	34	28	5	1	0,0%
Minimum	25	20	4	1	7	5	2	0	-81,6%
Maximum	154	147	17	3	159	152	18	3	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*

Table 2.1.6 Number of court presidents per 100 000 inhabitants by instance in 2018 and 2022 (Q1 and Q19-1)

Beneficiaries	Number of court presidents per 100 000 inhabitants							
	2018				2022			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	1,3	1,0	0,3	0,03	0,3	0,2	0,1	0,00
Bosnia and Herzegovina	2,2	1,6	0,5	0,09	2,3	1,7	0,5	0,09
Montenegro	4,0	3,2	0,6	0,16	4,0	3,2	0,6	0,16
North Macedonia	1,6	1,3	0,2	0,05	1,9	1,5	0,3	0,05
Serbia	2,2	2,1	0,1	0,01	2,3	2,2	0,1	0,01
Kosovo*	-	-	-	-	0,6	0,4	0,1	0,06
Average	2,3	1,9	0,4	0,07	2,1	1,8	0,3	0,06
Median	2,2	1,6	0,3	0,05	2,3	1,7	0,3	0,05
Minimum	1,3	1,0	0,1	0,01	0,3	0,2	0,1	0,00
Maximum	4,0	3,2	0,6	0,16	4,0	3,2	0,6	0,16

* This designation is without prejudice to positions on 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 2.1.7 Number of professional judges per court presidents by instance in 2022 (Q19 and Q19-1)

Beneficiaries	Number of professional judges per court presidents			
	2022			
	Total	First instance	Second instance	Supreme court
Albania	45,4	47,6	32,0	-
Bosnia and Herzegovina	12,7	11,2	13,0	38,0
Montenegro	10,5	9,2	15,8	16,0
North Macedonia	12,0	11,3	16,0	14,0
Serbia	16,7	15,3	49,5	40,0
Kosovo*	42,3	41,1	61,0	33,0
Average	19,5	18,9	25,3	27,0
Median	12,7	11,3	16,0	27,0
Minimum	10,5	9,2	13,0	14,0
Maximum	45,4	47,6	49,5	40,0

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

Kosovo is not included in the calculation of summary statistics*

Table 2.1.8 Number of non-judge staff by category between 2018 and 2022 (Q26)

Beneficiaries	2018						2019						2020						2021						2022					
	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	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	1 057	NAP	625	198	234	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	3 449	94	1 186	1 789	380	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	1 110	NAP	687	134	127	162
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	2 198	NAP	562	1 301	141	194
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	9 076	NAP	3 899	3 448	1 709	20
Kosovo*	-	-	-	-	-	-	1 529	NAP	656	399	465	NAP	1 532	NAP	668	399	465	NAP	1 487	NAP	603	393	491	NAP	1 590	NAP	1 071	115	404	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	3 378	-	1 392	1 374	518	125
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	2 198	-	687	1 301	234	162
Minimum	887	-	466	107	137	-	880	-	478	115	105	-	947	-	559	127	146	-	1 030	-	561	130	137	18	1 057	-	562	134	127	20
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	9 076	-	3 899	3 448	1 709	194

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

Kosovo* is not included in the calculation of summary statistics

Table 2.1.9 Total number of non-judge staff (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q1 and Q27)

Beneficiaries	2018		2019		2020		2021		2022		% 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	Absolute number	Per 100 000 inhabitants	2018-2022	2021-2022
Albania	887	30,9	880	30,9	947	33,3	1 030	36,9	1 057	37,8	22,4%	2,6%
Bosnia and Herzegovina	3 355	96,0	3 367	96,3	3 384	96,9	3 401	97,9	3 449	99,9	4,1%	2,1%
Montenegro	978	157,7	1 094	176,4	1 127	181,8	1 098	177,1	1 110	179,0	13,5%	1,1%
North Macedonia	2 243	108,1	2 240	107,8	2 266	109,1	2 224	121,1	2 198	119,6	10,7%	-1,2%
Serbia	8 827	126,8	8 718	125,2	8 909	128,2	8 771	127,6	9 076	133,5	5,3%	4,6%
Kosovo*	-	-	1 520	85,3	1 532	86,0	1 487	82,7	1 590	87,7	-	6,1%
Average	3 258	103,9	3 260	107,3	3 327	109,9	3 305	112,1	3 378	114,0	11,2%	1,8%
Median	2 243	108,1	2 240	107,8	2 266	109,1	2 224	121,1	2 198	119,6	10,7%	2,1%
Minimum	887	30,9	880	30,9	947	33,3	1 030	36,9	1 057	37,8	4,1%	-1,2%
Maximum	8 827	157,7	8 718	176,4	8 909	181,8	8 771	177,1	9 076	179,0	22,4%	4,6%

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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 2.1.10 Number and distribution of non-judge staff by instance between 2018 and 2022 (Q27)

Beneficiaries	Number of non-judge staff by instance																			
	2018				2019				2020				2021				2022			
	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	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	1 057	726	230	101
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	3 449	2 621	525	303
Montenegro	978	761	185	32	1 094	860	198	36	1 127	866	220	41	1 098	857	205	36	1 110	865	210	35
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	2 198	1 860	266	72
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	9 076	8 155	707	214
Kosovo*	-	-	-	-	1 520	1 375	82	63	1 532	1 378	90	64	1 487	NA	NA	NA	1 590	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	3 378	2 845	388	145
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	2 198	1 860	266	101
Minimum	887	636	182	32	880	636	186	36	947	678	207	41	1 030	723	205	36	1 057	726	210	35
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	9 076	8 155	707	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 2.1.11 Ratio of non-judge staff per professional judges between 2018 and 2022 (Q19, Q27)

Beneficiaries	Ratio of non-judge staff per professional judges						
	2018	2019	2020	2021	2022	% Variation of the ratio	
						2018-2022	2021-2022
Albania	2,6	2,7	3,1	3,1	3,3	29,7%	6,2%
Bosnia and Herzegovina	3,3	3,3	3,3	3,4	3,4	4,1%	1,2%
Montenegro	3,2	3,5	3,6	4,1	4,2	33,8%	3,0%
North Macedonia	4,4	4,5	4,6	4,7	5,4	22,4%	14,3%
Serbia	3,4	3,2	3,4	3,2	3,4	0,1%	5,9%
Kosovo*	-	3,7	3,9	3,7	3,8	-	0,6%
Average	3,4	3,5	3,6	3,7	4,0	18,0%	6,1%
Median	3,3	3,3	3,4	3,4	3,4	22,4%	5,9%
Minimum	2,6	2,7	3,1	3,1	3,3	0,1%	1,2%
Maximum	4,4	4,5	4,6	4,7	5,4	33,8%	14,3%

* 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*

2.1 Public prosecutors and non-prosecutor staff

Table 2.1.12 Number of prosecutors by instance and its variation between 2018 and 2022 and between 2021 and 2022, 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				2022				% 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	Total	First instance	Second instance	Supreme court	2018-2022	2021-2022			
Albania	NA	NA	NA	NA	299	258	22	11	300	273	15	12	205	177	16	12	202	180	12	10	NA	NA			
Bosnia and Herzegovina	376	300	NAP	76	372	294	NAP	78	358	279	NAP	79	361	280	NAP	81	358	275	NAP	83	-4,8%	-0,8%			
Montenegro	119	89	21	9	123	95	18	10	125	97	19	9	111	84	20	7	103	64	33	6	-13,4%	-7,2%			
North Macedonia	185	148	28	9	190	148	31	11	187	147	30	10	173	139	26	8	157	125	22	10	-15,1%	-9,2%			
Serbia	781	716	53	12	784	721	51	12	785	725	48	12	703	634	41	10	708	654	43	11	-9,3%	-0,7%			
Kosovo*	-	-	-	-	181	170	4	7	175	165	3	7	165	152	5	8	161	147	6	8	-	-2,4%			
Average	365	313	34	27	354	303	31	24	351	304	28	24	311	263	26	24	306	260	28	24	-10,7%	-3,6%			
Median	281	224	28	11	299	258	27	11	300	273	25	12	205	177	23	10	202	180	28	10	-11,4%	-1,5%			
Minimum	119	89	21	9	123	95	18	10	125	97	15	9	111	84	16	7	103	64	12	6	-15,1%	-9,2%			
Maximum	781	716	53	76	784	721	51	78	785	725	48	79	703	634	41	81	708	654	43	83	-4,8%	0,7%			

* 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


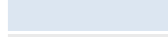


Yes 
 No 
 NA 
 NAP 

Table 2.1.13 Number of prosecutors per 100 000 inhabitants by instance between 2018 and 2022 (Q1 and Q28)

Beneficiaries	Number of prosecutors																			
	2018				2019				2020				2021				2022			
	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	Total	First instance	Second instance	Supreme Court
Albania	NA	NA	NA	NA	10,5	9,1	0,8	0,4	10,5	9,6	0,5	0,4	7,3	6,3	0,6	0,4	7,2	6,4	0,4	0,4
Bosnia and Herzegovina	10,8	8,6	NAP	2,2	10,6	8,4	NAP	2,2	10,3	8,0	NAP	2,3	10,4	8,1	NAP	2,3	10,4	8,0	NAP	2,4
Montenegro	19,2	14,4	3,4	1,5	19,8	15,3	2,9	1,6	20,2	15,6	3,1	1,5	17,9	13,5	3,2	1,1	16,6	10,3	5,3	1,0
North Macedonia	8,9	7,1	1,3	0,4	9,1	7,1	1,5	0,5	9,0	7,1	1,4	0,5	9,4	7,6	1,4	0,4	8,5	6,8	1,2	0,5
Serbia	11,2	10,3	0,8	0,2	11,3	10,4	0,7	0,2	11,3	10,4	0,7	0,2	10,2	9,2	0,6	0,1	10,4	9,6	0,6	0,2
Kosovo*	-	-	-	-	10,2	9,5	0,2	0,4	9,8	9,3	0,2	0,4	9,2	8,5	0,3	0,4	8,9	8,1	0,3	0,4
Average	12,5	10,1	1,8	1,1	12,3	10,1	1,5	1,0	12,3	10,1	1,4	1,0	11,1	8,9	1,5	0,9	10,6	8,2	1,9	0,9
Median	11,0	9,4	1,3	0,9	10,6	9,1	1,1	0,5	10,5	9,6	1,1	0,5	10,2	8,1	1,0	0,4	10,4	8,0	0,9	0,5
Minimum	8,9	7,1	0,8	0,2	9,1	7,1	0,7	0,2	9,0	7,1	0,5	0,2	7,3	6,3	0,6	0,1	7,2	6,4	0,4	0,2
Maximum	19,2	14,4	3,4	2,2	19,8	15,3	2,9	2,2	20,2	15,6	3,1	2,3	17,9	13,5	3,2	2,3	16,6	10,3	5,3	2,4

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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 2.1.14 Number of heads of prosecution offices by instance in 2018 and 2022 (Q28-1)

Beneficiaries	Number of heads of prosecution offices								
	2018				2022				% Variation of total number of court presidents 2018-2022
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court	
Albania	NA	NA	NA	NA	35	22	6	9	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	23	18	4	1	-17,9%
Serbia	90	85	4	1	90	85	4	1	0,0%
Kosovo*	-	-	-	-	10	8	1	1	-
Average	39	35	3	1	37	31	4	3	-6%
Median	24	20	4	1	23	18	4	1	-3%
Minimum	17	14	2	1	17	13	3	1	-18%
Maximum	90	85	4	2	90	85	6	9	0%

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

Kosovo is not included in the calculation of summary statistics*

Table 2.1.15 Number of heads of prosecution offices per 100 000 inhabitants by instance in 2018 and 2022 (Q1 and Q28-1)

Beneficiaries	Number of heads of prosecution offices per 100 000 inhabitant							
	2018				2022			
	Total	First instance	Second instance	Supreme court	Total	First instance	Second instance	Supreme court
Albania	NA	NA	NA	NA	1,3	0,8	0,2	0,32
Bosnia and Herzegovina	0,5	0,5	NAP	0,06	0,5	0,5	NAP	0,06
Montenegro	2,7	2,3	0,3	0,16	2,7	2,1	0,5	0,16
North Macedonia	1,3	1,1	0,2	0,05	1,3	1,0	0,2	0,05
Serbia	1,3	1,2	0,1	0,01	1,3	1,3	0,1	0,01
Kosovo*	-	-	-	-	0,6	0,4	0,1	0,06
Average	1,5	1,3	0,2	0,07	1,4	1,1	0,2	0,12
Median	1,3	1,2	0,2	0,05	1,3	1,0	0,2	0,06
Minimum	0,5	0,5	0,1	0,01	0,5	0,5	0,1	0,01
Maximum	2,7	2,3	0,3	0,16	2,7	2,1	0,5	0,32

* This designation is without prejudice to positions on 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 2.1.16 Number of prosecutors per head of prosecution offices by instance in 2022 (Q28 and Q28-1)

Beneficiaries	Number of prosecutors per head of prosecution offices			
	2022			
	Total	First instance	Second instance	Supreme court
Albania	5,8	8,2	2,0	1,1
Bosnia and Herzegovina	19,9	17,2	NAP	41,5
Montenegro	6,1	4,9	11,0	6,0
North Macedonia	6,8	6,9	5,5	10,0
Serbia	7,9	7,7	10,8	11,0
Kosovo*	16,1	18,4	6,0	8,0
Average	9,3	9,0	7,3	13,9
Median	6,8	7,7	8,1	10,0
Minimum	5,8	4,9	2,0	1,1
Maximum	19,9	17,2	11,0	41,5

* 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 2.1.17 Total number of non-prosecutor staff (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q1 and Q32)

Beneficiaries	2018		2019		2020		2021		2022		% 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	Absolute number	Per 100 000 inhabitants	2018-2022	2021-2022
Albania	NA	NA	592	20,8	670	23,5	607	21,7	593	21,2	NA	-2,3%
Bosnia and Herzegovina	734	21,0	726	20,8	717	20,5	734	21,1	750	21,7	3,5%	2,8%
Montenegro	222	35,8	226	36,4	228	36,8	258	41,6	270	43,5	21,6%	4,7%
North Macedonia	477	23,0	432	20,8	324	15,6	367	20,0	368	20,0	-12,8%	0,3%
Serbia	1 144	16,4	1 117	16,0	1 117	16,1	1 317	19,2	1 421	20,9	27,3%	9,1%
Kosovo*	-	-	611	34,3	613	34,4	622	34,6	662	36,5	-	5,6%
Average	644	24,1	618,6	23,0	611,2	22,5	656,6	24,7	680	25,5	9,9%	2,9%
Median	606	22,0	592,0	20,8	670,0	20,5	607,0	21,1	593	21,2	12,5%	2,8%
Minimum	222	16,4	226,0	16,0	228,0	15,6	258,0	19,2	270	20,0	-12,8%	-2,3%
Maximum	1 144	35,8	1 117,0	36,4	1 117,0	36,8	1 317,0	41,6	1 421	43,5	27,3%	9,1%

* 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

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 2.1.18 Ratio of non-prosecutor staff per prosecutors between 2018 and 2022 (Q28, Q32)

Beneficiaries	Ratio of non-prosecutor staff per prosecutors							
	2018	2019	2020	2021	2022	% Variation of the ratio		
						2018-2022	2021-2022	
Albania	NA	2,0	2,2	3,0	2,9	NA	-0,9%	
Bosnia and Herzegovina	2,0	2,0	2,0	2,0	2,1	7,3%	3,0%	
Montenegro	1,9	1,8	1,8	2,3	2,6	40,5%	12,8%	
North Macedonia	2,6	2,3	1,7	2,1	2,3	-9,1%	10,5%	
Serbia	1,5	1,4	1,4	1,9	2,0	37,0%	7,1%	
Kosovo*	-	3,4	3,5	3,8	4,1	-	9,1%	
Average	2,0	1,9	1,8	2,3	2,4	18,9%	6,5%	
Median	1,9	2,0	1,8	2,1	2,3	22,2%	7,1%	
Minimum	1,5	1,4	1,4	1,9	2,0	-9,1%	-0,9%	
Maximum	2,6	2,3	2,2	3,0	2,9	40,5%	12,8%	

* 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*



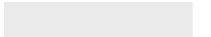
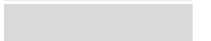
2.1 Lawyers

Table 2.1.19 Number of lawyers (absolute number and per 100 000 inhabitants) between 2018 and 2022 (Q33 and Q34)

Beneficiaries	Number of lawyers												Does these figures include legal advisors?
	2018		2019		2020		2021		2022		% Variation of number of lawyers		
	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	Absolute number	Per 100 000 inhabitants	2018-2022	2021-2022	
Albania	2 475	86,2	2 396	84,2	3 064	107,7	2 633	94,3	3 000	107,4	24,5%	13,9%	
Bosnia and Herzegovina	1 718	49,1	1 779	50,9	1 846	52,9	1 910	55,0	1 981	57,4	16,7%	4,4%	
Montenegro	911	146,9	935	150,8	947	152,7	947	152,7	980	158,1	7,6%	3,5%	
North Macedonia	2 722	131,2	2 821	135,8	2 864	137,9	2 834	154,3	2 820	153,5	17,0%	-0,5%	
Serbia	10 068	144,6	10 513	151,0	10 905	156,9	11 444	166,5	11 822	173,9	20,3%	4,4%	
Kosovo*	-	-	1 004	56,3	1 111	62,3	1 226	68,2	1 255	69,2	-	1,6%	
Average	3 579	112	3 689	115	3 925	122	3 954	125	4 121	130	17,2%	5,1%	
Median	2 475	131	2 396	136	2 864	138	2 633	153	2 820	154	17,0%	4,4%	
Minimum	911	49	935	51	947	53	947	55	980	57	7,6%	-0,5%	
Maximum	10 068	147	10 513	151	10 905	157	11 444	167	11 822	174	24,5%	13,9%	

* 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 2.1.20 Number of professional judges and lawyers per 100 000 inhabitants between 2018 and 2022 (Q1, Q19 and Q33)

Beneficiaries	2018		2019		2020		2021		2022	
	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)	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	11,4	107,4
Bosnia and Herzegovina	29,0	49,1	28,9	50,9	29,3	52,9	28,7	55,0	29,0	57,4
Montenegro	50,0	146,9	50,0	150,8	49,8	152,7	43,2	152,7	42,4	158,1
North Macedonia	24,6	131,2	23,9	135,8	23,7	137,9	25,8	154,3	22,3	153,5
Serbia	37,1	144,6	38,8	151,0	38,1	156,9	39,6	166,5	39,1	173,9
Kosovo*	-	-	23,3	56,3	21,9	62,3	22,1	68,2	23,3	69,2
Average	30,6	111,6	30,6	114,5	30,4	121,6	29,8	124,6	28,8	130,0
Median	29,0	131,2	28,9	135,8	29,3	137,9	28,7	152,7	29,0	153,5
Minimum	12,1	49,1	11,6	50,9	10,8	52,9	11,8	55,0	11,4	57,4
Maximum	50,0	146,9	50,0	151,0	49,8	156,9	43,2	166,5	42,4	173,9

* 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.

2.2 Salaries of judges and public prosecutors

Table 2.2.1 Salaries of judges in € and in local currency in 2022 (Q15)

Beneficiaries	Salaries of judges in € in 2022				Salaries of judges in local currency in 2022				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	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	25 304 €	32 420 €	18 449 €	23 452 €	ALL (Lek)	2 909 952	3 728 376	2 151 660	2 697 012
Bosnia and Herzegovina	29 224 €	55 907 €	18 401 €	35 051 €	BAM (Mark)	57 157	109 345	35 990	68 553
Montenegro	19 557 €	32 864 €	14 167 €	22 678 €	Euro	NAP	NAP	NAP	NAP
North Macedonia	19 170 €	27 023 €	12 598 €	17 683 €	MKD (Denar)	1 178 748	1 661 640	774 672	1 087 320
Serbia	20 967 €	49 741 €	12 649 €	30 020 €	RSD (Dinar)	2 460 000	5 835 780	1 484 400	3 522 072
Kosovo*	22 939 €	31 860 €	19 879 €	27 506 €	Euro	NAP	NAP	NAP	NAP
Average	22 844 €	39 591 €	15 253 €	25 777 €					
Median	20 967 €	32 864 €	14 167 €	23 452 €					
Minimum	19 170 €	27 023 €	12 598 €	17 683 €					
Maximum	29 224 €	55 907 €	18 449 €	35 051 €					

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

Kosovo is not included in the calculation of summary statistics*

Table 2.2.2 Ratio of the gross annual salaries of judges with average gross annual national salary in 2022 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of judges with average gross annual national salary in 2022	
	At the beginning of the career	At the Supreme Court
Albania	3,7	4,7
Bosnia and Herzegovina	2,8	5,3
Montenegro	1,8	3,1
North Macedonia	2,1	2,9
Serbia	2,0	4,7
Kosovo*	3,9	5,5
Average	2,5	4,1
Median	2,1	4,7
Minimum	1,8	2,9
Maximum	3,7	5,3

* 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 2.2.3 Gross annual salaries of judges (in €) between 2018 and 2022 (Q14, Q15)

Beneficiaries	Gross annual salary of judges, in €													
	At the beginning of the career							At the Supreme Court						
	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022
Albania	13 677 €	21 240 €	21 240 €	21 611 €	25 304 €	85,0%	17,1%	19 673 €	25 836 €	25 836 €	26 287 €	32 420 €	64,8%	23,3%
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	27 462 €	29 224 €	20,2%	6,4%	42 363 €	43 179 €	44 404 €	45 503 €	55 907 €	32,0%	22,9%
Montenegro	21 536 €	19 188 €	18 233 €	18 233 €	19 557 €	-9,2%	7,3%	48 605 €	45 018 €	43 364 €	34 897 €	32 864 €	-32,4%	-5,8%
North Macedonia	19 707 €	17 038 €	16 700 €	15 103 €	19 170 €	-2,7%	26,9%	23 805 €	22 863 €	22 687 €	24 154 €	27 023 €	13,5%	11,9%
Serbia	16 369 €	17 493 €	16 277 €	20 015 €	20 967 €	28,1%	4,8%	38 444 €	40 874 €	29 788 €	46 584 €	49 741 €	29,4%	6,8%
Kosovo*	-	23 172 €	22 932 €	22 939 €	22 939 €	-	0,0%	-	34 968 €	31 860 €	31 860 €	31 860 €	-	0,0%
Average	19 119 €	19 925 €	19 567 €	20 485 €	22 844 €	24,3%	12,5%	34 578 €	35 554 €	33 216 €	35 485 €	39 591 €	21,5%	11,8%
Median	19 707 €	19 188 €	18 233 €	20 015 €	20 967 €	20,2%	7,3%	38 444 €	40 874 €	29 788 €	34 897 €	32 864 €	29,4%	11,9%
Minimum	13 677 €	17 038 €	16 277 €	15 103 €	19 170 €	-9,2%	4,8%	19 673 €	22 863 €	22 687 €	24 154 €	27 023 €	-32,4%	-5,8%
Maximum	24 308 €	24 668 €	25 383 €	27 462 €	29 224 €	85,0%	26,9%	48 605 €	45 018 €	44 404 €	46 584 €	55 907 €	64,8%	23,3%

* 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

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, especially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.4 Net annual salaries of judges (in €) between 2018 and 2022 (Q15)

Beneficiaries	Net annual salary of judges, in €													
	At the beginning of the career							At the Supreme Court						
	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022
Albania	11 943 €	16 776 €	16 776 €	17 068 €	18 449 €	54,5%	8,1%	17 842 €	20 232 €	20 232 €	20 588 €	23 452 €	31,4%	13,9%
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	17 671 €	18 401 €	18,1%	4,1%	26 488 €	26 857 €	27 669 €	31 154 €	35 051 €	32,3%	12,5%
Montenegro	12 852 €	12 656 €	12 216 €	12 216 €	14 167 €	10,2%	16,0%	28 757 €	29 445 €	29 054 €	21 246 €	22 678 €	21,1%	6,7%
North Macedonia	14 390 €	11 274 €	10 981 €	9 968 €	12 598 €	12,5%	26,4%	17 380 €	15 044 €	14 861 €	15 941 €	17 683 €	1,7%	10,9%
Serbia	9 733 €	10 467 €	11 410 €	12 028 €	12 649 €	30,0%	5,2%	22 858 €	24 458 €	20 882 €	27 995 €	30 020 €	31,3%	7,2%
Kosovo*	-	20 064 €	19 876 €	19 879 €	19 879 €	-	0,0%	-	31 860 €	27 504 €	27 506 €	27 506 €	-	0,0%
Average	12 900 €	13 395 €	13 530 €	13 790 €	15 253 €	20,1%	11,9%	22 665 €	23 207 €	22 540 €	23 385 €	25 777 €	15,1%	10,3%
Median	12 852 €	12 656 €	12 216 €	12 216 €	14 167 €	18,1%	8,1%	22 858 €	24 458 €	20 882 €	21 246 €	23 452 €	31,3%	10,9%
Minimum	9 733 €	10 467 €	10 981 €	9 968 €	12 598 €	-12,5%	4,1%	17 380 €	15 044 €	14 861 €	15 941 €	17 683 €	-21,1%	6,7%
Maximum	15 580 €	16 776 €	16 776 €	17 671 €	18 449 €	54,5%	26,4%	28 757 €	29 445 €	29 054 €	31 154 €	35 051 €	32,3%	13,9%

* 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*

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, especially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.5 Salaries of public prosecutors in € and in local currency in 2022 (Q15)

Beneficiaries	Salaries of public prosecutors in € in 2022				Salaries of public prosecutors in local currency in 2022				
	Gross annual salary, in €		Net annual salary, in €		Currency	Gross annual salary, in local currency		Net annual salary, in local currency	
	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	23 507 €	31 673 €	17 706 €	23 212 €	ALL (Lek)	2 879 640	3 879 936	2 169 036	2 843 448
Bosnia and Herzegovina	29 266 €	55 611 €	18 472 €	34 548 €	BAM (Mark)	57 238	108 767	36 128	67 571
Montenegro	18 310 €	32 650 €	12 840 €	24 150 €	Euro	NAP	NAP	NAP	NAP
North Macedonia	18 014 €	25 461 €	11 845 €	16 670 €	MKD (Denar)	1 107 708	1 565 606	728 345	1 025 057
Serbia	18 368 €	34 595 €	12 858 €	24 186 €	RSD (Dinar)	2 160 000	4 068 000	1 512 000	2 844 000
Kosovo*	22 939 €	31 860 €	19 879 €	27 506 €	Euro	NAP	NAP	NAP	NAP
Average	21 493 €	35 998 €	14 744 €	24 553 €					
Median	18 368 €	32 650 €	12 858 €	24 150 €					
Minimum	18 014 €	25 461 €	11 845 €	16 670 €					
Maximum	29 266 €	55 611 €	18 472 €	34 548 €					

* This designation is without prejudice to positions on 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 Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2022 (Q14, Q15)

Beneficiaries	Ratio of the gross annual salaries of prosecutors with average gross annual national salary in 2022	
	At the beginning of the career	At the Supreme Court
Albania	3,4	4,6
Bosnia and Herzegovina	2,8	5,3
Montenegro	1,7	3,1
North Macedonia	1,9	2,7
Serbia	1,7	3,3
Kosovo*	5,5	5,5
Average	2,3	3,8
Median	1,9	3,3
Minimum	1,7	2,7
Maximum	3,4	5,3

* 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 2.2.7 Gross annual salaries of prosecutors (in €) between 2018 and 2022 (Q14, Q15)

Beneficiaries	Gross annual salary of prosecutors, in €													
	At the beginning of the career							At the Supreme Court						
	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022
Albania	11 436 €	21 312 €	21 312 €	23 449 €	23 507 €	105,6%	0,2%	15 888 €	26 004 €	26 004 €	28 608 €	31 673 €	99,4%	10,7%
Bosnia and Herzegovina	24 308 €	24 668 €	25 383 €	27 688 €	29 266 €	20,4%	5,7%	42 363 €	43 179 €	44 404 €	44 929 €	55 611 €	31,3%	23,8%
Montenegro	18 653 €	18 653 €	18 360 €	18 360 €	18 310 €	-1,8%	-0,3%	32 556 €	32 556 €	31 356 €	31 500 €	32 650 €	0,3%	3,7%
North Macedonia	14 196 €	16 679 €	17 319 €	15 178 €	18 014 €	26,9%	18,7%	21 516 €	20 015 €	22 120 €	18 503 €	25 461 €	18,3%	37,6%
Serbia	18 478 €	18 981 €	18 961 €	20 916 €	18 368 €	-0,6%	12,2%	35 268 €	35 082 €	28 801 €	40 084 €	34 595 €	-1,9%	13,7%
Kosovo*	-	22 939 €	22 939 €	22 939 €	22 939 €	-	0,0%	-	31 860 €	31 860 €	31 860 €	31 860 €	-	0,0%
Average	17 414 €	20 059 €	20 267 €	21 118 €	21 493 €	30,1%	2,4%	29 518 €	31 367 €	30 537 €	32 725 €	35 998 €	29,5%	12,4%
Median	18 478 €	18 981 €	18 961 €	20 916 €	18 368 €	20,4%	0,2%	32 556 €	32 556 €	28 801 €	31 500 €	32 650 €	18,3%	10,7%
Minimum	11 436 €	16 679 €	17 319 €	15 178 €	18 014 €	-1,8%	-12,2%	15 888 €	20 015 €	22 120 €	18 503 €	25 461 €	-1,9%	-13,7%
Maximum	24 308 €	24 668 €	25 383 €	27 688 €	29 266 €	105,6%	18,7%	42 363 €	43 179 €	44 404 €	44 929 €	55 611 €	99,4%	37,6%

* 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

NB: In 2022, CEPEJ improved the methodology for data collection for salaries, especially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.

Table 2.2.8 Net annual salaries of prosecutors (in €) between 2018 and 2022 (Q15)

Beneficiaries	Net annual salary of prosecutors, in €													
	At the beginning of the career							At the Supreme Court						
	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022	2018	2019	2020	2021	2022	% Variation 2018 - 2022	% Variation 2021 - 2022
Albania	8 856 €	15 360 €	15 360 €	16 901 €	17 706 €	99,9%	4,8%	11 952 €	19 260 €	19 260 €	21 198 €	23 212 €	94,2%	9,5%
Bosnia and Herzegovina	15 580 €	15 801 €	16 268 €	17 750 €	18 472 €	18,6%	4,1%	26 488 €	26 857 €	27 669 €	30 597 €	34 548 €	30,4%	12,9%
Montenegro	12 305 €	12 305 €	12 300 €	12 300 €	12 840 €	4,3%	4,4%	21 336 €	21 336 €	21 008 €	21 105 €	24 150 €	13,2%	14,4%
North Macedonia	12 924 €	11 039 €	11 383 €	10 000 €	11 845 €	-8,3%	18,5%	14 292 €	13 216 €	14 494 €	12 154 €	16 670 €	16,6%	37,2%
Serbia	12 953 €	13 266 €	14 094 €	14 688 €	12 858 €	-0,7%	-12,5%	23 509 €	24 849 €	20 190 €	28 100 €	24 186 €	2,9%	-13,9%
Kosovo*	-	19 879 €	19 879 €	19 879 €	19 879 €	-	0,0%	-	27 506 €	27 506 €	27 506 €	27 506 €	-	0,0%
Average	12 524 €	13 554 €	13 881 €	14 328 €	14 744 €	22,8%	3,8%	19 515 €	21 104 €	20 524 €	22 631 €	24 553 €	31,5%	12,0%
Median	12 924 €	13 266 €	14 094 €	14 688 €	12 858 €	4,3%	4,4%	21 336 €	21 336 €	20 190 €	21 198 €	24 150 €	16,6%	12,9%
Minimum	8 856 €	11 039 €	11 383 €	10 000 €	11 845 €	-8,3%	-12,5%	11 952 €	13 216 €	14 494 €	12 154 €	16 670 €	2,9%	-13,9%
Maximum	15 580 €	15 801 €	16 268 €	17 750 €	18 472 €	99,9%	18,5%	26 488 €	26 857 €	27 669 €	30 597 €	34 548 €	94,2%	37,2%


* 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*

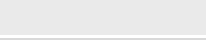
NB: In 2022, CEPEJ improved the methodology for data collection for salaries, especially regarding the salaries at the supreme court. Therefore, comparisons with the previous cycles should be carried out with caution.


Table 2.2.9 Additional benefits and productivity bonuses for judges and prosecutors in 2022 (Q16 and Q18)

Beneficiaries	Judges					Prosecutors			
	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.2.10)	Productivity bonuses	Reduced taxation	Special pension	Housing	Other financial benefits (see Table 2.2.10)
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.

Kosovo* is not included in the calculation of summary statistics

Table 2.2.10 Other financial benefits for judges and prosecutors in 2022 (Q17)

Beneficiaries	Other financial benefits for judges and prosecutors in 2022
Albania	<p>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 for 10 years, be 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 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 benefit from a state funded home loan, this shall be benefited only by one of them."</p> <p>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:</p> <ul style="list-style-type: none"> 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. <p>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:</p> <ul style="list-style-type: none"> 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. <p>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.</p>
Bosnia and Herzegovina	NAP
Montenegro	<p>Special allowance, salary supplements for work in commissions and other bodies (source: Judicial Council)</p> <p>All state prosecutors in the Special and Supreme State Prosecutor's Office, as a result of their work on specific tasks in cases of organized crime, corruption, money laundering terrorism are entitled to a special allowance in the amount of 45% compare to the basic salary, and from December 29, 2022 of 60%. Also, state prosecutors exercise the right to an increase in salary during "stand by" and "on-call" time. (source: Prosecutorial Council)</p>
North Macedonia	<p>In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutors for organized crime was 26.179 /17.135 euros.</p> <p>Also, in 2022 there were additional financial benefits for judges.</p>
Serbia	NAP
Kosovo*	<p>KJC: The President of the Supreme Court after the end of the mandate earns a pension of 70% of the basic salary.</p> <p>KPC: Prosecutors in SPRK 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 by the Government which is taken annually.</p>

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

Kosovo is not included in the calculation of summary statistics*

Indicator 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)?

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

Question 19-1. Number of court presidents (professional judges).

Question 20. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

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

Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal 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 cases:

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

Question 25. If yes, for which type(s) of case(s)?

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

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 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 28-1. Number of heads of prosecution offices.

Question 29. In your judicial system, 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 question 28?

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 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 solicitors or in-house counsellors)?

Albania

Q014 (2022): (<https://www.instat.gov.al/media/11344/statistikat-e-pagave-t4-2022.pdf>), the average gross monthly salary for a salaried employee, in the end of 2022 was 66,014 AL Land the average gross annual salary was 792,168 ALL or 6,888 EUR (exchange rate 1 euro = 115 ALL).

Average monthly gross salary for a salaried employee, during in the end of 2022, is 66,014 ALL, increasing by 10.8%, compared to the data of previous years.

Q014 (2019): Data are available only for the third trimester of 2019. However, variances between trimesters are less than 5% (for the third trimester increase of the average salaries as compared with the second trimester was 3.7%; whereas the increase of the average salaries for the second trimester as compared with the first trimester was 4.5%). The average gross monthly salary was 51.870 ALL or 424.8 Euros.

Q015 (2022): The difference in amount from one year to another comes for two reasons:

the values are set in the Euro currency, which brings changes in the amount from year to year depending on the exchange rate at the time of reporting, since judges' salaries are calculated in Lek.

the maximum salary that is reported is the salary that is actually given to the judge who is paid more in the system and not the potential salary that the salary can go higher. This means that the maximum salary given, because it also includes the element of seniority at work, which of course changes every year.

Q015 (2020): The gross salary for the Appellate prosecutors is ALL 269268 and the net one is ALL 202687. While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

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

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

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

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

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

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

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

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

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

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

b) Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:

i) G1: 90 %

ii) G2: 98 %

iii) G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

Q015 (2019): 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.

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

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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.

b) Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:

i) G1: 90 %

ii) G2: 98 %

iii) G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

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

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

Q018 (2022): Based on Article 16, paragraph 1, of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", stipulates "The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary".

In paragraph 2 it is determined that: "The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:

a) restricting the entitlement to a maximum 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."

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

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

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

In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

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

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

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

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

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Q019 (2022): During the year 2022 there were appointed new judges to the supreme court

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

Q019 (2019): The numbers provided above count the judges in the payroll list: 294 (141 m+153 f) judges effectively working on 31 December, 32 judges (24m + 8f) suspended from the IQC (due to the vetting process) and 3 judges (3m) on the process of appeal. Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 1 judge remained at the High Court. The rest of them either resigned or were dismissed by the vetting process.

Q019-1 (2022): The number of court presidents decreased due to different reasons. Several of the aforementioned court presidents were dismissed because of the vetting process, several of the first instance court presidents have been promoted to higher courts or have been appointed in the delegation scheme.

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

4. technical staff: relocated

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

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

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

Q028 (2022): 1. 321 full-time equivalent

202 post actually filled

2. 278 full-time equivalent

180 post actually filled

3. 26 full-time equivalent

12 post actually filled

4. 17 full-time equivalent

10 post actually filled

discrepancies with the answers of the previous campaign: From the vetting process during 2022 there were appointed new prosecutors graduate from the school of magistrate

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.

Q028 (2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

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

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

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

“Secondment” means the move of a magistrate to a non-magistrate position in an institution

within the justice system, a position which is compatible with maintaining the independence and status. Variance of data might be explained due to the dismissals of the prosecutors and new incoming prosecutors to the system.

Q028-1 (2022): during the 2022 have been appointed head of prosecutions offices

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 males).

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

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

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

Q034 (2021): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

Q034 (2020): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

Q034 (2019): there is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

Bosnia and Herzegovina

Q014 (General Comment): The Bosnia and Herzegovina Statistics Agency reports on the average gross salary in the country for the previous year (i.e. 2022 in this reporting cycle).

Q014 (2022): In 2022, according to the Agency for Statistics of Bosnia and Herzegovina salaries significantly increased both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.

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

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

Q015 (General Comment): First of all, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors. The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary 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 one of the jurisdictions in Bosnia and Herzegovina (i.e. the Brcko District of Bosnia and Herzegovina), where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

Q015 (2022): Due to the changes in the Dashboard Western Balkans Questionnaire for 2022, the amount of salaries of judges and public prosecutors in Bosnia and Herzegovina at the Highest Appellate Instance is significantly higher in 2022 compared to the relevant figure included in the Dashboard Western Balkans Questionnaire for 2021.

Q015 (2021): The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary 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.

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

Q016 (General Comment): Firstly, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors.

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

Q019 (General Comment): The number of court presidents is included in the number of judges.

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

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

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

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

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

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

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

Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and

Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property

disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides

appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts

that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

Q019 (2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

Q019 (2019): The numbers provided do not include information on the number of court presidents and reserve judges (Q20).

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

The Council decided in 2022 that the number of reserve judges in the courts will gradually decrease. They will cease to perform this function no later than the end of 2026. Courts in which reserve judges work may request that the Council increase the number of regular judges if necessary due to the large number of pending cases. Meanwhile, the Council has decided not to fill the positions of reserve judges in courts that become vacant by their retirement or appointment to other judicial

Q020 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided in 2022 that the number of reserve judges in the courts will gradually decrease. They will cease to perform this function no later than the end of 2026. Courts in which reserve judges work may request that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina increase the number of regular judges if necessary due to the large number of pending cases. Meanwhile, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has decided not to fill the positions of reserve judges in courts that become vacant by their retirement or appointment to other judicial positions. In this way, the total number of reserve judges was significantly reduced by the end of 2022.

Q021 (2022): In 2022, reserve judges resolved around 3% of the overall number of cases decided by the courts in Bosnia and Herzegovina.

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

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

Q021 (2019): In 2019, reserve judges disposed around 4% of the overall number of cases disposed by the courts in Bosnia and Herzegovina.

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

The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came into force.

Q022 (2022): In 2022, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in courts.

Q026 (General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category. Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court. Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts. Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court’s first instance divisions. Accordingly, there are three Prosecutor’s Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor’s Office before the Court of Bosnia and Herzegovina; the Prosecutor’s Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor’s Office before the Republika Srpska Supreme Court. The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints 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 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. appointment procedure, disciplinary procedure etc.).

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

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

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

Category 3. Staff in charge of different administrative tasks and of the management of the courts includes positions such as: court administrator, secretary to court president, human resource management officer, court registry staff, ICT staff, financial and budgetary officer, land registry and business registry staff, bailiff etc.

Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

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Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

Q028 (General Comment): The number of heads of prosecution offices is included in the number of prosecutors.

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

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

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

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property

disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

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

18 chief prosecutors were appointed on 31st December 2020.

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

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

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

Additional comments Q019 (Number of professional judges): 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 -

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

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

Montenegro

Q014 (2022): Average gross salary in 2022

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

Q015 (2021): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 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 Supreme Court.

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

Q019 (2022): some of the judges were retired and in the meantime new judges elected

Q019 (2021): During 2021, the Judicial Council noted the termination of the judicial function for 54 judges. Out of 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 elected (eg 11 new judges of the Supreme Court of Montenegro)

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

Q019-1 (2022): new presidents elected in the meantime

Q026 (2021): Regarding "2. Non-judge (judicial) staff whose task is to assist the judges such as registrars" - this is not 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.

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

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

Q028 (2022): Section 2 includes also prosecutors of the Special State Prosecutor's Office,

Q028 (2021): Although in percentage terms these are changes that can be characterized as significant, we believe 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.

Q028 (2019): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices, the number of special state prosecutors is included, 13 in total, out of which 9 women and 4 men.

Q032 (2022): According to internal organization and systematization acts in state prosecutor's offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

Q033 (2022): Source of data: Bar Association

North Macedonia

Q015 (2022): In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutor for organized crime was 26.179 /17.135 euros.

Also, in 2022 there were additional financial benefits for judges, 15-30%.

Q015 (2021): There are discrepancies from the last report because the lowest value of the salary for 2021 for the first instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.

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

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

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

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

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

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

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

Q019 (General Comment): 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

Q019 (2022): 3. 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

Q019 (2021): 1. Number of first instance professional judges is the sum of the number of judges in all 27 basic courts 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

Q019 (2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.
Number of Supreme Court professional judges - Female: The number is higher because of new elected judges in 2020.

Q019 (2019): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.

Q019-1 (2022): The numbers are too low, the difference is only 1 person.

Q022 (General Comment): Law on courts regulates the status, election, dismissal, and rights for lay judges. Lay 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 detailed regulations on the compensations of the lay judges of a court decisions.

The office of a lay judge shall terminate upon:

- 1) personal request;
- 2) permanent loss of the ability to fulfill the duty of a lay judge;
- 3) conviction of a crime to an imprisonment sentence of at least six months;
- 4) unduly or negligent fulfillment of the duty of a lay judge, and
- 5) turning 60 years old.

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

Q026 (2022): 5. In 2021 the number of females as a part of court police was 3. Actually, in 2022 there are only 2 more females, discrepancy ratio is high because the numbers are too low.

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.

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

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

Q028 (2022): Perhaps, the reason for discrepancy is that the numbers are very low. For example, in 2021 there was 1 female prosecutor at Supreme Court level, in 2022 are 2 females.

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 prosecutors has been retired and new is not elected.

Q028-1 (2022): In 2021 there was 3 males - heads of PPO and 1 female. In 2022 there are 4 males.

Q028-1 (2021): The head of Public prosecution office in Radovish is acting head. The head of Public prosecution office in Skopje was elected at the beginning of 2022.

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

Q032 (2019): In presented data is included the staff of the new Special Public Prosecution Office (90 employees). It should be noted that in this number is not included investigators that work for public prosecutors as judicial police and they are employed mostly by the Ministry of the interior, Financial Police and Custom

Serbia

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

Q014 (2022): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2022>

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

Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija.

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

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

Source: Statistical Office of the Republic of Serbia, <https://www.stat.gov.rs/en-US/vesti/20200225-prosecne-zarade-po-zaposlenom-decembar-2019>.

Q015 (2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija.

Q015 (2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This variation has not been explained.

Q015 (2019): The data provided relates to:

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

Q016 (2022): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the

Q016 (2021): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the

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Q019 (2022): Since the last year, 4 male judges of Supreme Court retired.

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

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

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

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

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

46.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanour Court of Appeal

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

Q019-1 (2022): New appellate courts presidents were appointed since last year

Q022 (General Comment): Chapter 6 of Law on Judges

SPECIAL PROVISIONS ON LAY JUDGES

Requirements for Appointment and Duration of Office

Article 81

Any national of the Republic of Serbia of legal age who is worthy of the function may be appointed as a lay judge.

A lay judge cannot be a member of a political party or politically active in any other way.

In appointing a lay judge sex, age, profession and social status, knowledge, competence, and affinities for specific type of matter shall be taken into account..

A lay judge is appointed to a period of five years and may be re-appointed.

Election and Termination of Office and Number of Judges

and Lay Judges

Article 10

The National Assembly and the High Judicial Council respectively decide on the election and termination of office of a judge and a president of the court, pursuant to this Law.

The High Judicial Council determines the number of judges and lay judges for each court.

The number of judges for misdemeanour courts, the Misdemeanour Appellate Court, and the Administrative Court, shall also be determined for each department outside the seat of the court.

The High Judicial Council reviews every five years the required number of judges and lay judges for every court.

The High Judicial Council may at its own initiative or at the proposal of a president of the court, president of a directly superior court, President of the Supreme Court of Cassation and the Minister responsible for the judiciary, review the required number of judges and lay judges before the expiry of the five-year period.

Procedure for Appointment

Article 82

The High Judicial Council appoints lay judges at the proposal of the Minister in charge of the judiciary.

Before making the proposal, the Minister shall obtain the opinion from the court to which a lay judge is to be appointed.

A person of legal age, not older than seventy years at the time of appointment, may be appointed as a lay judge.

Oath

Article 83

A lay judge shall take an oath before the president of the court to which the judge is appointed.

Q022 (2022): Lay judges in Serbia are legal laymen, who participate in some civil and some criminal trials in the first instance (with one exception in the 2nd instance) and have the right to ask questions, give their opinion and participate in the rendering of the verdict, although the final word rests with the professional judge who signs the verdict.

A lay judge cannot be a member of a political party, nor act politically in any other way. Also, a lay judge cannot provide legal services and professional advice for a fee, nor can he be a lawyer.

Other positions, jobs and procedures that are contrary to the dignity and independence of the judge or harmful to the reputation of the court are incompatible with the function of a lay judge.

When appointing lay judges, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards certain types of court cases are taken into account.

A lay judge must be of legal age and under 70 years of age.

He is appointed for five years by the HJSC on the proposal of the competent authority for the judiciary and he can be reappointed

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.

Q022 (2019): Data of HCC. The High Judicial Council enacted a decision on 23 December 2014 on the appointment of lay judges (sudije porotnici) for a mandate period of the following 5 years, <https://vss.sud.rs/sr-lat/saop%C5%A1tenja/odluka-o-imenovanju-sudija-porotnika>. The number of lay judges appointed by the decision was 2564. However, due to various reasons, the effective number decreased to 2,123.

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

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

Q023 (2019): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.

Q026 (2022): Others: translator, interpreter, librarian, press coordinator, PR, counselor for European integration and international projects.

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

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

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

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

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

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

Discrepancy explanation: (State Prosecutorial Council): The reason why the number of deputy public prosecutors has increased significantly, compared to 2016, is that the State Prosecutors Council has in the last two years made decisions on increasing the number of first and second instance deputy pp's and based on those decisions, announced calls for the election of deputy public prosecutors. This is part of the capacity building program, having in mind the workload of the ppo's and the fact that not all offices which are envisaged in the systematization are filled.

Q028-1 (2021): There are special jurisdictions of the Prosecutor's Office for War Crimes and the Prosecutor's Office for Organized Crime, in which one person performs the function of a prosecutor.

Q029 (2019): Prosecutorial assistants, employed for an indefinite period. Prosecutorial assistants have similar duties to public prosecutors. A prosecutorial assistant assists the public prosecutor and deputy public prosecutor, drafts acts, takes on record complaints, submissions, and statements of citizens, and, autonomously or under supervision, performs tasks provided by the law or other regulations.

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

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

Q034 (2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Q034 (2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Kosovo*

Q014 (2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for the previous year (2021 in our case) until the middle of this year.

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

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

Q015 (2022): -KJC: The Appellate judge which is the level between the First instance court and the Supreme court has the salary of 2,389 EUR.

-KPC: The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who 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 the office of the Chief State Prosecutor.

Q015 (2021): The salary for “public prosecutors at the beginning of his/her career” is the salary of prosecutors who 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 the office of the Chief State Prosecutor.

Q015 (2020): There are some minor differences with the data from the previous year, mainly because the Law on Kosovo Judicial Council and the Law on Court have started to implement, and they have leveled salaries between all departments of the same instance(horizontal). There has been no decrease in the salaries of the Judges of Supreme Court. However, our colleagues from the Kosovo Judicial Council, when 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 changed it.

Q015 (2019): In the section “Public prosecutor at the beginning of his/her career” we have provided the annual salary of prosecutors in the General department of Basic Prosecution offices, where prosecutors start their work during their initial mandate.

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

Q016 (2021): 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.

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

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

Q019 (2022): The number of judges increased due to recruitment procedures and also promotions.

The number of judges also includes the Commercial Court, which was established in 2022.

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

Q019 (2019): The number of judges have been increased compared to the previous year: 18 new judges of the first instance have been recruited. There was a mistake on the previous data. I corrected. With regard to judges, as for now, we only have professional judges in our system.

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

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

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

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

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

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

Q026 (2022): In recruitment procedures for non judge staff, a number of staff in charge of different administrative tasks moved in the other category (staff whose task is to assist the judge)

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

Q028 (2022): In the table above the number of prosecutors is 161. This number does not include prosecutors who during 2022 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, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, 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, 2 heads of Departments in BPO Prishtina, 2 prosecutors are in maternity leave and 1 prosecutor was studying outside of the country.

The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2022 was 181.

Q028 (2021): In the table, the number of prosecutors is 165. This number does not include prosecutors who during 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.

Whilst, the discrepancies marked are because of the promotion

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

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

The total number of prosecutors, including these positions, is 197.

Q032 (2022): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.

Q033 (2022): 78% men;
22% women.

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

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

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

Indicator 2 - Profile of the judiciary

by question No.

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

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

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

Question 17. If “other financial benefit”

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

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

Question 19-1. Number of court presidents (professional judges).

Question 20. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

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

Question 22. Number of non-professional judges who are not remunerated but who may receive a simple defrayal 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 cases:

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

Question 25. If yes, for which type(s) of case(s)?

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

Question 27. Number of non-judge staff by instance (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 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 28-1. Number of heads of prosecution offices.

Question 29. In your judicial system, 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 question 28?

Question 32. Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 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 solicitors or in-house counsellors)?

Question 014

Albania

(2022): (<https://www.instat.gov.al/media/11344/statistikat-e-pagave-t4-2022.pdf>), the average gross monthly salary for a salaried employee, in the end of 2022 was 66,014 ALL and the average gross annual salary was 792,168 ALL or 6,888 EUR (exchange rate 1 euro = 115 ALL).

Average monthly gross salary for a salaried employee, during in the end of 2022, is 66,014 ALL, increasing by 10.8%, compared to the data of previous years.

(2019): Data are available only for the third trimester of 2019. However, variances between trimesters are less than 5% (for the third trimester increase of the average salaries as compared with the second trimester was 3.7%; whereas the increase of the average salaries for the second trimester as compared with the first trimester was 4.5%). The average gross monthly salary was 51.870 ALL or 424.8 Euros.

Bosnia and Herzegovina

(General Comment): The Bosnia and Herzegovina Statistics Agency reports on the average gross salary in the country for the previous year (i.e. 2022 in this reporting cycle).

(2022): In 2022, according to the Agency for Statistics of Bosnia and Herzegovina salaries significantly increased both in the public sector and the private sector in Bosnia and Herzegovina, mostly due to various drastic changes in the domestic and global economy such as rise in inflation and increase in product prices.

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

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

Montenegro

(2022): Average gross salary in 2022

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

Serbia

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

(2022): <http://www.cekos.rs/statistika/zarade-prose%C4%8Dne-bruto-zarade-u-srbiji/2022>

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

Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija.

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

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

Source: Statistical Office of the Republic of Serbia, <https://www.stat.gov.rs/en-US/vesti/20200225-prosecne-zarade-po-zaposlenom-decembar-2019>.

Kosovo*

(2021): This is data for 2020, as the responsible Agency for Statistics in Kosovo will not generate this data for the previous year (2021 in our case) until the middle of this year.

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

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

Question 015

Albania

(2022): The difference in amount from one year to another comes for two reasons:

the values are set in the Euro currency, which brings changes in the amount from year to year depending on the exchange rate at the time of reporting, since judges' salaries are calculated in Lek.

the maximum salary that is reported is the salary that is actually given to the judge who is paid more in the system and not the potential salary that the salary can go higher. This means that the maximum salary given, because it also includes the element of seniority at work, which of course changes every year.

(2020): The gross salary for the Appellate prosecutors is ALL 269268 and the net one is ALL 202687. While the salary in euro consists of the gross one of € 2025 and the net one of € 1524.

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

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

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

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

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

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

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

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

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

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

respective category or class.

b) Supplements to group salary, which is the amount resulting from the multiplication of the reference basis salary with the coefficient in percentage of the respective function exercised by the magistrate, referring to paragraph 2 of this Article, namely:

i) G1: 90 %

ii) G2: 98 %

iii) G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

(2019): 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.

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

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

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

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i) G1: 90 %

ii) G2: 98 %

iii) G3: 106%

c) Seniority bonus being calculated on the basis of the reference basic salary as set out in paragraph 3 and 4 of this Article;

ç) The bonus for leading functions as defined according to Article 14 of this Law;

Bosnia and Herzegovina

(General Comment): First of all, the work experience affects the amount of net and gross salaries. The following assumptions were used for the above stated calculations of the salaries of judicial office holders (i. e. judges and prosecutors): three-year working experience of judge/prosecutor at the beginning of his/her career; twenty-year working experience of a judge/prosecutor of the supreme court or the highest appellate instance. There are somewhat different general regimes for the salary contributions in different jurisdictions in Bosnia and Herzegovina, these regimes apply to the salaries of the judicial office holders as well. Having in mind the aforementioned factors, the above stated calculations of the salaries are made as the weighted average salary based on the number of judges/prosecutors. The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary 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 one of the jurisdictions in Bosnia and Herzegovina (i.e. the Brcko District of Bosnia and Herzegovina), where there are far more judges than prosecutors, which directly impacts the calculation of overall indicators.

(2022): Due to the changes in the Dashboard Western Balkans Questionnaire for 2022, the amount of salaries of judges and public prosecutors in Bosnia and Herzegovina at the Highest Appellate Instance is significantly higher in 2022 compared to the relevant figure included in the Dashboard Western Balkans

(2021): The method used to calculate net and gross salaries for judges/prosecutors is based on the basic salary 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.

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

Montenegro

(2021): Regarding the average salary in the previous year in the Supreme State Prosecutor's Office, prosecutors had more years of service compared to prosecutors this year (who had a smaller number of years of service), so the average salary was higher for that reason. The number of years of service affects the salary of a judge. As the judges of the Supreme Court who retired in 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 Supreme Court.

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

North Macedonia

(2022): In 2022 public prosecutors in the PPO for organized crime had an additional financial benefits of 35% of the salary every month. In 2022 the highest gross/net annual salary of the public prosecutor for organized crime was 26.179 /17.135 euros. Also, in 2022 there were additional financial benefits for judges, 15-30%.

(2021): There are discrepancies from the last report because the lowest value of the salary for 2021 for the first instance professional judge at the beginning of his/her career is for the judge that has less professional experience than the judge before.

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

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

Serbia

(2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija.

(2020): From 2019 to 2020 the gross annual salary of a judge at the Supreme Court decreased by 27%. This variation has not been explained.

(2019): The data provided relates to:

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

Kosovo*

(2022): -KJC: The Appellate judge which is the level between the First instance court and the Supreme court has the salary of 2,389 EUR.

-KPC: The salary for "public prosecutors at the beginning of his/her career" is the salary of prosecutors who 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 the office of the Chief State Prosecutor.

(2021): The salary for "public prosecutors at the beginning of his/her career" is the salary of prosecutors who 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 the office of the Chief State Prosecutor.

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

(2019): In the section "Public prosecutor at the beginning of his/her career" we have provided the annual salary of prosecutors in the General department of Basic Prosecution offices, where prosecutors start their work during their initial mandate.

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

Question 016

Albania

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

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

Bosnia and Herzegovina

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

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

North Macedonia

(General Comment): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries. These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

(2019): In 2015 and 2018 the Parliament adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries. These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

Serbia

(2022): High ranking pp's and judges (ex. SCC, appellate) have the possibility to receive partial reimbursement of housing costs if they have been appointed to a court which is not in their place of domicile (ex. an appellate court judge from Novi Sad appointed to the Supreme Court of Cassation in Belgrade will receive additional compensation for the additional housing expense. Likewise, members of the HJC and SPC, judges and pp's who are not from Belgrade receive the

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Kosovo*

(2021): 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.

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

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

Question 018

Albania

(2022): Based on Article 16, paragraph 1, of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", stipulates "The magistrates, who during the previous calendar year, had an exceptionally high ethical and professional evaluation, shall each year benefit a reward equal to a basic reference salary". In paragraph 2 it is determined that: "The Councils shall adopt more detailed rules on the remuneration according to paragraph 1 of this article by:

a) restricting the entitlement to a maximum 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."

This provision is still valid. However, since the Council (HJC in this case) has yet to adopt rules on this matter, in practice this benefit has never been allocated.

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

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

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

In case of a prosecutor, the skill of a prosecutor to handle efficiently investigation procedures and other procedures of the prosecutorial system is measured by the indicators of conducting necessary investigative and procedural actions within the set time frame, collection of necessary evidence, as well as including the monitoring of sending without delay the necessary acts of notification.

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

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

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

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

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

5. The skill to administer the judicial or prosecutorial files is measured by the indicators of the order, completeness and accuracy of documentation of the file.

Question 019

Albania

(2022): During the year 2022 there were appointed new judges to the supreme court

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

(2019): The numbers provided above count the judges in the payroll list: 294 (141 m+153 f) judges effectively working on 31 December, 32 judges (24m + 8f) suspended from the IQC (due to the vetting process) and 3 judges (3m) on the process of appeal. Please note that the High Court should have 19 judges. At the start of the vetting process, there were 17 judges in the High Court. However, in the end of the vetting process for the High Court only 1 judge remained at the High Court. The rest of them either resigned or were dismissed by the vetting process.

Bosnia and Herzegovina

(General Comment): The number of court presidents is included in the number of judges.

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

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

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

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

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

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

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

Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and

Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property

disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides

appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts

that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation

of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court.

(2020): The numbers provided do not include information on the number of court presidents and reserve judges (Q20). The court presidents were excluded from the statistics provided for the Western Balkans indicators and questionnaire in order to ensure consistency with the statistics provided for the Q46 in the Questionnaire dashboard of Evaluation of the judicial systems (2018 - 2020). 76 court presidents were appointed on 31st December 2020.

(2019): The numbers provided do not include information on the number of court presidents and reserve judges (Q20).

Montenegro

(2022): some of the judges were retired and in the meantime new judges elected

(2021): During 2021, the Judicial Council noted the termination of the judicial function for 54 judges. Out of 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 elected (eg 11 new judges of the Supreme Court of Montenegro)

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

Number of Supreme Court professional judges total - 19 judges

Males:- 5

Females- 14

This year: total - 18

males - 3

females - 15

North Macedonia

(General Comment): 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2022): 3. 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2021): 1. Number of first instance professional judges is the sum of the number of judges in all 27 basic courts 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 the strategic guidelines was 2.4.3. "Harmonization of the number of judges in the Republic of North Macedonia with the European average per capita" and the strategic measure is Optimization of the number of judges of cases in the courts according to European standards through the natural drain of the judges with retirement. The success indicator for this goal is reduced number of judges by 5%.

(2020): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.
Number of Supreme Court professional judges - Female: The number is higher because of new elected judges in 2020.

(2019): In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.
In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.

Serbia

(2022): Since the last year, 4 male judges of Supreme Court retired.

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

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

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

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

(2019): 46.1. INCLUDES: Number of first instance professional judges (judges of: basic courts, higher courts, misdemeanour courts, commercial courts, Administrative Court) 46.2. INCLUDES: judges of Commercial Court of Appeal, appellate courts, Misdemeanour Court of Appeal 46.3. INCLUDES: Number of supreme court professional judges (judges of the Supreme Court of Cassation) Judges of the Administrative Court are considered as first instance judges, bearing in mind that the Administrative Court is a republic court of special jurisdiction, which at first instance resolves administrative disputes (currently, single instance procedure) and performs other duties determined by law.

Kosovo*

(2022): The number of judges increased due to recruitment procedures and also promotions. The number of judges also includes the Commercial Court, which was established in 2022.

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

(2019): The number of judges have been increased compared to the previous year: 18 new judges of the first instance have been recruited. There was a mistake on the previous data. I corrected. With regard to judges, as for now, we only have professional judges in our system.

Question 019-1**Albania**

(2022): The number of court presidents decreased due to different reasons. Several of the aforementioned court presidents were dismissed because of the vetting process, several of the first instance court presidents have been promoted to higher courts or have been appointed in the delegation scheme.

Montenegro

(2022): new presidents elected in the meantime

North Macedonia

(2022): The numbers are too low, the difference is only 1 person.

Serbia

(2022): New appellate courts presidents were appointed since last year

Question 020

Bosnia and Herzegovina

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

The Council decided in 2022 that the number of reserve judges in the courts will gradually decrease. They will cease to perform this function no later than the end of 2026. Courts in which reserve judges work may request that the Council increase the number of regular judges if necessary due to the large number of pending cases. Meanwhile, the Council has decided not to fill the positions of reserve judges in courts that become vacant by their retirement or appointment to other judicial

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided in 2022 that the number of reserve judges in the courts will gradually decrease. They will cease to perform this function no later than the end of 2026. Courts in which reserve judges work may request that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina increase the number of regular judges if necessary due to the large number of pending cases. Meanwhile, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has decided not to fill the positions of reserve judges in courts that become vacant by their retirement or appointment to other judicial positions. In this way, the total number of reserve judges was significantly reduced by the end of 2022.

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 021

Bosnia and Herzegovina

(2022): In 2022, reserve judges resolved around 3% of the overall number of cases decided by the courts in Bosnia and Herzegovina.

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

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

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

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 022

Bosnia and Herzegovina

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

The procedural laws have been changed in a way that participation of lay judges is not required any longer, but due to a backlog of cases, their participation is still needed. Concretely, courts adjudicate the criminal law cases by panels that include lay judges if the proceedings were instituted before the currently valid Criminal Procedure Codes came into force.

(2022): In 2022, the trend of decreasing the number of non-professional judges continued, in line with a decrease in the number of old pending criminal cases in

North Macedonia

(General Comment): Law on courts regulates the status, election, dismissal, and rights for lay judges. Lay 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 detailed regulations on the compensations of the lay judges of a court decisions.

The office of a lay judge shall terminate upon:

- 1) personal request;
- 2) permanent loss of the ability to fulfill the duty of a lay judge;

- 3) conviction of a crime to an imprisonment sentence of at least six months;
- 4) unduly or negligent fulfillment of the duty of a lay judge, and
- 5) turning 60 years old.

The procedure for termination of the office of a lay judge shall be conducted by the Judicial Council of the Republic of Macedonia on proposal of the president of the court.

The decisions of the lay judges are binding.

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

Serbia

(General Comment): Chapter 6 of Law on Judges

SPECIAL PROVISIONS ON LAY JUDGES

Requirements for Appointment and Duration of Office

Article 81

Any national of the Republic of Serbia of legal age who is worthy of the function may be appointed as a lay judge.

A lay judge cannot be a member of a political party or politically active in any other way.

In appointing a lay judge sex, age, profession and social status, knowledge, competence, and affinities for specific type of matter shall be taken into account..

A lay judge is appointed to a period of five years and may be re-appointed.

Election and Termination of Office and Number of Judges

and Lay Judges

Article 10

The National Assembly and the High Judicial Council respectively decide on the election and termination of office of a judge and a president of the court, pursuant to this Law.

The High Judicial Council determines the number of judges and lay judges for each court.

The number of judges for misdemeanour courts, the Misdemeanour Appellate Court, and the Administrative Court, shall also be determined for each department outside the seat of the court.

The High Judicial Council reviews every five years the required number of judges and lay judges for every court.

The High Judicial Council may at its own initiative or at the proposal of a president of the court, president of a directly superior court, President of the Supreme Court of Cassation and the Minister responsible for the judiciary, review the required number of judges and lay judges before the expiry of the five-year period.

Procedure for Appointment

Article 82

The High Judicial Council appoints lay judges at the proposal of the Minister in charge of the judiciary.

Before making the proposal, the Minister shall obtain the opinion from the court to which a lay judge is to be appointed.

A person of legal age, not older than seventy years at the time of appointment, may be appointed as a lay judge.

Oath

Article 83

A lay judge shall take an oath before the president of the court to which the judge is appointed.

The oath reads as follows: „I do solemnly swear that I will perform my duties in compliance with the Constitution and the law, scrupulously, dedicatedly, and impartially.”

Suspension from Function

Article 84

The president of the court shall suspend a lay judge from office in case criminal proceedings have been instituted against him/her for an offence due to which he/she may be dismissed, or if dismissal proceedings have been instituted.

The suspension will be in force until the completion of the proceedings.

Incompatibility with other Jobs, Engagements and Activities

Article 85

A lay judge may not be an attorney-at-law or extend legal services or advice for a fee.

Other jobs, engagements and activities that are contrary to the dignity and independence of a judge or harmful to the reputation of the court are also incompatible with office of a lay judge.

Termination of Office

Article 86

Office of a lay judge terminates if the court where he/she works is abolished, in case of dismissal, or with the expiry of the term of office.

Office of a lay judge does not cease due to the reaching of retirement age.

The procedure to determine the reasons for termination of function of a lay judge shall be initiated upon the proposal of the court president, president of the immediately superior court, the president of the Supreme Court of Cassation or the minister in charge of justice.

The High Judicial Council shall initiate, conduct the proceedings and take a decision.

Reimbursement and Rewards of Lay Judges

Article 87

A lay judge is entitled to reimbursement of costs incurred while performing the function, compensation for lost earnings and reward.

The High Judicial Council shall define conditions for and the amount of reimbursement and reward.

(2022): Lay judges in Serbia are legal laymen, who participate in some civil and some criminal trials in the first instance (with one exception in the 2nd instance) and have the right to ask questions, give their opinion and participate in the rendering of the verdict, although the final word rests with the professional judge who signs the verdict.

A lay judge cannot be a member of a political party, nor act politically in any other way. Also, a lay judge cannot provide legal services and professional advice for a fee, nor can he be a lawyer.

Other positions, jobs and procedures that are contrary to the dignity and independence of the judge or harmful to the reputation of the court are incompatible with the function of a lay judge.

When appointing lay judges, the gender, age, occupation and social position of the candidate, knowledge, expertise and inclination towards certain types of court cases are taken into account.

A lay judge must be of legal age and under 70 years of age.

He is appointed for five years by the HJSC on the proposal of the competent authority for the judiciary and he can be reappointed

(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.

(2019): Data of HCC. The High Judicial Council enacted a decision on 23 December 2014 on the appointment of lay judges (sudije porotnici) for a mandate period of the following 5 years, <https://vss.sud.rs/sr-lat/saop%C5%A1tenja/odluka-o-imenovanju-sudija-porotnika>. The number of lay judges appointed by the decision was 2564. However, due to various reasons, the effective number decreased to 2,123.

Kosovo*

(2020): This is not applicable in our system

(2019): This is not applicable in our system

Question 023

Serbia

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

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

(2019): In first instance, in certain criminal (possibility of over 8 years of prison sentence) and civil proceedings trial is carried by panel consisting of a professional judge and non-professional judges, i.e. 2-3 citizens who are appointed based on a public call of the High Court Council.

Question 026

Albania

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

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

Bosnia and Herzegovina

(General Comment): There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category. Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court. Both courts are competent to decide within the respective entity on legal remedies concerning decisions of the immediately lower courts. Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court's first instance divisions. Accordingly, there are three Prosecutor's Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor's Office before the Court of Bosnia and Herzegovina; the Prosecutor's Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor's Office before the Republika Srpska Supreme Court. The High and Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints 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 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. appointment procedure, disciplinary procedure etc.).

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

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

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

Category 3. Staff in charge of different administrative tasks and of the management of the courts includes positions such as: court administrator, secretary to court president, human resource management officer, court registry staff, ICT staff, financial and budgetary officer, land registry and business registry staff, bailiff etc.

Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

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

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

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Category 4. Technical staff includes positions such as: driver, receptionist, cleaning staff, janitor etc.

Montenegro

(2021): Regarding "2. Non-judge (judicial) staff whose task is to assist the judges such as registrars" - this is not 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.

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

North Macedonia

(2022): 5. In 2021 the number of females as a part of court police was 3. Actually, in 2022 there are only 2 more females, discrepancy ratio is high because the numbers are too low.

(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.

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

Serbia

(2022): Others: translator, interpreter, librarian, press coordinator, PR, counselor for European integration and international projects.

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

Kosovo*

(2022): In recruitment procedures for non judge staff, a number of staff in charge of different administrative tasks moved in the other category (staff whose task is to assist the judge)

(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.

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

Serbia

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

Question 028

Albania

(2022): 1. 321 full-time equivalent

202 post actually filled

2. 278 full-time equivalent

180 post actually filled

3. 26 full-time equivalent

12 post actually filled

4. 17 full-time equivalent

10 post actually filled

discrepancies with the answers of the previous campaign: From the vetting process during 2022 there were appointed new prosecutors graduate from the school of magistrate

(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.

(2020): The Special Prosecution prosecutors (currently 13 prosecutors) are included in the number of the prosecutors of first instance level (273) although they represent Special Prosecution even at Supreme Court level (not only representing before the first and second instance level). Also, from the 273 prosecutors acting in the first instance level, 6 prosecutors are currently commanded at High Prosecutorial Council as advisers.

(2019): Additionally, there are 8 prosecutors appointed to the Special Prosecution Against Corruption and Organised Crime (SPAK). SPAK prosecutors carry out investigations and represent the prosecution office in all three levels of the judiciary. Hence, their number has not been calculated in the numbers above. Furthermore, it should be noted that the overall number of prosecutors should be 336 (277, first level, 27 appellate level, 17 General Prosecution Office and 15 SPAK Prosecution). Moreover, currently there are 20 prosecutors that have been suspended due to the vetting process. (1 in the General Prosecution Office, 6 in the Appellate Level and 13 in the first instance level). Lastly, it should be noted that out of 258 prosecutors in the first instance level, 6 prosecutors have been seconded in the High Prosecutorial Council as legal advisors. “Secondment” means the move of a magistrate to a non-magistrate position in an institution within the justice system, a position which is compatible with maintaining the independence and status. Variance of data might be explained due to the dismissals of the prosecutors and new incoming prosecutors to the system.

Bosnia and Herzegovina

(General Comment): The number of heads of prosecution offices is included in the number of prosecutors.

There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

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

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

Secondly, there is the Court of Bosnia and Herzegovina at the State level. Its competencies are regulated by the Law on the Court of Bosnia and Herzegovina and are related to criminal, administrative and appellate jurisdiction. However, the Court of Bosnia and Herzegovina has no jurisdiction over the decisions adopted by the entity – level Supreme Courts. Within its criminal jurisdiction, the

Court of Bosnia and Herzegovina tries cases pertaining to the specific category of crimes laid down by the laws of Bosnia and Herzegovina, which include war crimes, organized crime, economic crime and corruption cases. The administrative jurisdiction means that the Court of Bosnia and Herzegovina adjudicates cases pertaining to the decisions issued by the State institutions and other organizations in charge of public functions, such as property disputes related to the performance of public functions between the State and the entities, breaches of the election law, etc. Its Appellate Division only decides appeals against the decisions of the Court’s first instance divisions. Accordingly, there are three Prosecutor’s Offices representing criminal cases before the courts that are included in the Supreme Court category: the Prosecutor’s Office before the Court of Bosnia and Herzegovina; the Prosecutor’s Office before the Federation of Bosnia and Herzegovina Supreme Court; the Prosecutor’s Office before the Republika Srpska Supreme Court.

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

18 chief prosecutors were appointed on 31st December 2020.

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

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

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

Additional comments Q019 (Number of professional judges): 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 -

Montenegro

(2022): Section 2 includes also prosecutors of the Special State Prosecutor's Office,

(2021): Although in percentage terms these are changes that can be characterized as significant, we believe that 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.

(2019): In the column "Number of prosecutors at first instance level", in addition to the number of state prosecutors in the basic state prosecutor's offices, the number of special state prosecutors is included, 13 in total, out of which 9 women and 4 men.

North Macedonia

(2022): Perhaps, the reason for discrepancy is that the numbers are very low. For example, in 2021 there was 1 female prosecutor at Supreme Court level, in 2022 are 2 females.

(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 has been retired and new is not elected.

Serbia

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

(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.

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

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

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

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

Discrepancy explanation: (State Prosecutorial Council): The reason why the number of deputy public prosecutors has increased significantly, compared to 2016, is that the State Prosecutors Council has in the last two years made decisions on increasing the number of first and second instance deputy pp's and based on those decisions, announced calls for the election of deputy public prosecutors. This is part of the capacity building program, having in mind the workload of the ppo's and the fact that not all offices which are envisaged in the systematization are filled.

Kosovo*

(2022): In the table above the number of prosecutors is 161. This number does not include prosecutors who during 2022 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, Acting Chief State Prosecutor, Deputy Chairman of the Council, Chairman of the Commission for Normative Affairs, 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, 2 heads of Departments in BPO Prishtina, 2 prosecutors are in maternity leave and 1 prosecutor was studying outside of the country.

The total number of prosecutors in the prosecutorial system, including these positions on December 31, 2022 was 181.

(2021): In the table, the number of prosecutors is 165. This number does not include prosecutors who during 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. Whilst, the discrepancies marked are because of the promotion

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

(2019): This number does not include prosecutors who for the moment do not deal with cases due to their functions in the prosecutorial system. As such, the prosecutors who are not included in this number are: Chairman of Kosovo Prosecutorial Council, Chief State Prosecutor, deputy Chairman of Kosovo Prosecutorial Council, Chairman of Committee for Normative Acts, Chairman of Committee for the Administration of Prosecution Offices, Chairman of Committee for the Evaluation of Performance of Prosecutors, chief prosecutor of Appellate Prosecution Office, chief prosecutors of basic prosecution offices in Peja, Prizren, Mitrovica, Gjilan, Ferizaj and Gjakova and acting chiefs of SPRK and basic prosecution office in Prishtina. In addition, 1 prosecutor is currently enrolled in a master's program in the USA through a scholarship provided by the US embassy in Prishtina. The total number of prosecutors, including these positions, is 197.

Question 028-1

Albania

(2022): during the 2022 have been appointed head of prosecutions offices

North Macedonia

(2022): In 2021 there was 3 males - heads of PPO and 1 female. In 2022 there are 4 males.

(2021): The head of Public prosecution office in Radovish is acting head. The head of Public prosecution office in Skopje was elected at the beginning of 2022.

Serbia

(2021): There are special jurisdictions of the Prosecutor's Office for War Crimes and the Prosecutor's Office for Organized Crime, in which one person performs the function of a prosecutor.

Question 029

Serbia

(2019): Prosecutorial assistants, employed for an indefinite period. Prosecutorial assistants have similar duties to public prosecutors. A prosecutorial assistant assists the public prosecutor and deputy public prosecutor, drafts acts, takes on record complaints, submissions, and statements of citizens, and, autonomously or under supervision, performs tasks provided by the law or other regulations.

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).

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

Bosnia and Herzegovina

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

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

Montenegro

(2022): According to internal organization and systematization acts in state prosecutor's offices, there are employees with the following titles: secretary, head of cabinet, advisor, chief, head of registry office, independent advisor I, independent advisor II, independent advisor III, senior advisor I, senior advisor II, senior advisor III, advisor I, advisor II, advisor III, independent clerk, clerk, senior employee, employee and trainee.

North Macedonia

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

(2019): In presented data is included the staff of the new Special Public Prosecution Office (90 employees). It should be noted that in this number is not included investigators that work for public prosecutors as judicial police and they are employed mostly by the Ministry of the interior, Financial Police and Custom Office.

Kosovo*

(2022): In this category we have included Director of Secretariat of KPC, Director of PPRU, Heads of departments, divisions, offices, administrators of prosecution offices, professional associates, legal officers and all other professional and administrative positions within the prosecutorial system.

Question 033

Albania

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

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

Montenegro

(2022): Source of data: Bar Association

Serbia

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

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

Kosovo*

(2022): 78% men;
22% women.

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

Question 034

Albania

(2021): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

(2020): There is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

(2019): there is no category of "legal advisors" within lawyers or legal profession. The only distinction is between lawyers – who draft and represent clients before all courts and assistant lawyers – who can represent only in few cases and only in the presence of the lawyer, where the later should take the permission from his/her client. The number above does not include assistant lawyers.

Serbia

(2021): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

(2020): Members of the Bar Association of Serbia and bar association - members of the Bar Association of Serbia can be only attorneys-at-law.

Kosovo*

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

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

3.Efficiency - Overview

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

Civil (and commercial) litigious cases from 2018 to 2021 (Table 3.1.4)

Clearance Rate					
Civil and Commercial litigious cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	98%	94%	85%	95%	89%
Bosnia and Herzegovina	126%	114%	103%	108%	98%
Montenegro	105%	99%	107%	92%	86%
North Macedonia	101%	99%	90%	99%	85%
Serbia	110%	93%	71%	74%	178%
Kosovo*	-	85%	70%	53%	61%
WB Average	108%	100%	91%	94%	107%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Civil (and commercial) litigious cases is 100%.

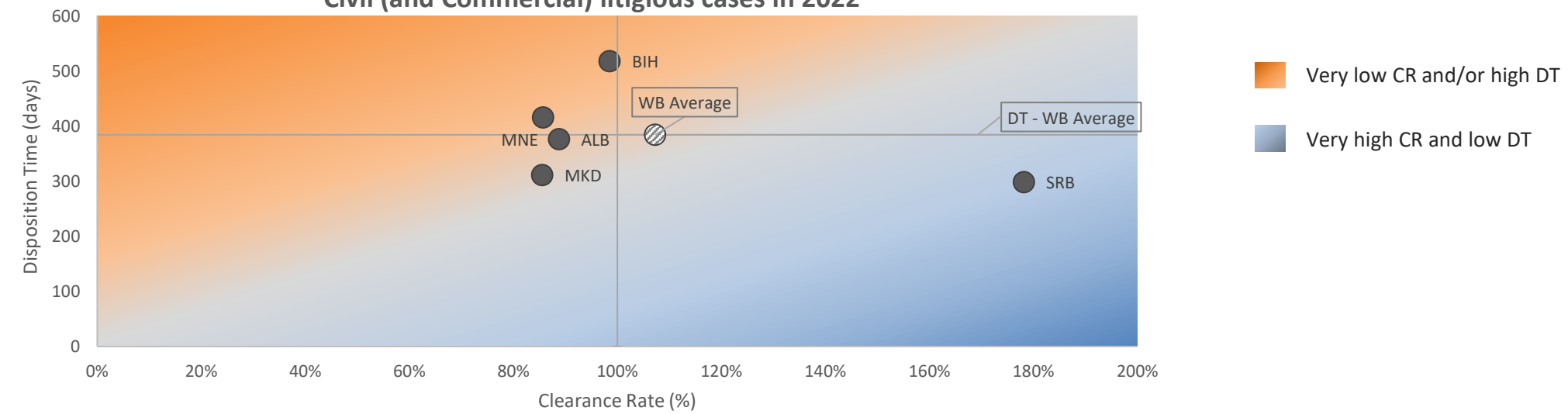
Disposition Time					
Civil and Commercial litigious cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	172	183	366	279	377
Bosnia and Herzegovina	483	528	639	512	518
Montenegro	229	256	280	359	417
North Macedonia	179	193	294	253	312
Serbia	225	306	472	403	299
Kosovo*	-	852	1 150	1 339	1 511
WB Average	258	293	410	361	384

For reference only: the 2021 EU median for the Disposition Time for the first instance Civil (and commercial) litigious cases is 234 days.

Figure 3.1 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases from 2018 to 2022



Figure 3.2 Clearance Rate (%) and Disposition Time (days) for first instance Civil (and Commercial) litigious cases in 2022



* This designation is without prejudice to positions on 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 cases

First instance Administrative cases from 2018 to 2022 (Table 3.1.4)

Clearance Rate					
Administrative cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	99%	99%	94%	96%	93%
Bosnia and Herzegovina	94%	96%	98%	107%	88%
Montenegro	104%	105%	129%	92%	40%
North Macedonia	114%	116%	110%	87%	104%
Serbia	73%	94%	72%	56%	39%
Kosovo*	-	93%	102%	94%	82%
WB Average	97%	102%	100%	88%	73%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Administrative cases is 102%.

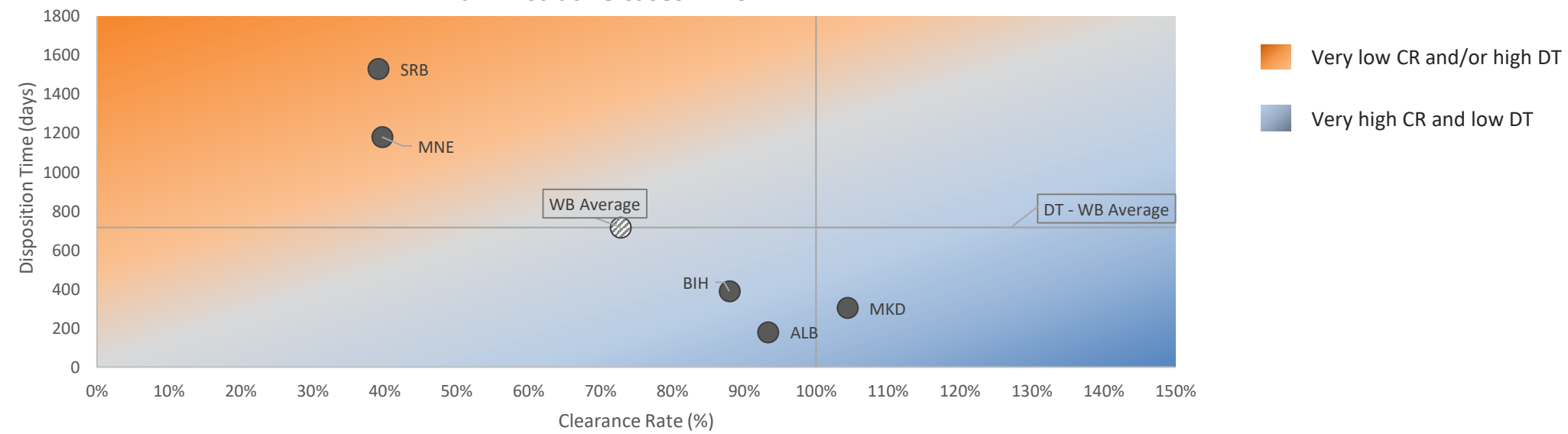
Disposition Time					
Administrative cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	90	100	199	152	179
Bosnia and Herzegovina	393	386	424	329	389
Montenegro	401	540	441	544	1180
North Macedonia	281	235	228	348	303
Serbia	745	677	754	1089	1528
Kosovo*	-	787	1188	798	967
WB Average	382	388	409	492	716

For reference only: the 2021 EU median for the Disposition Time for the first instance Administrative cases is 296 days.

Figure 3.3 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases from 2018 to 2022



Figure 3.4 Clearance Rate (%) and Disposition Time (days) for first instance Administrative cases in 2022



* This designation is without prejudice to positions on 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 cases

First instance Total Criminal cases from 2018 to 2022 (Table 3.2.4)

Clearance Rate					
Total criminal cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	98%	82%	74%	100%	94%
Bosnia and Herzegovina	102%	96%	95%	101%	102%
Montenegro	97%	101%	96%	101%	81%
North Macedonia	101%	89%	98%	103%	94%
Serbia	104%	101%	98%	99%	108%
Kosovo*	-	NA	NA	NA	NA
WB Average	101%	94%	92%	101%	96%

For reference only: the 2021 EU median for the Clearance Rate for the first instance Total Criminal cases is 100%.

Disposition Time					
Total criminal cases - 1st instance					
Beneficiaries	2018	2019	2020	2021	2022
Albania	81	181	294	67	93
Bosnia and Herzegovina	293	289	316	270	255
Montenegro	199	193	253	265	313
North Macedonia	190	216	216	132	159
Serbia	132	128	155	145	105
Kosovo*	-	NA	NA	NA	NA
WB Average	179	201	247	176	185

For reference only: the 2021 EU median for the Disposition Time for the first instance Total Criminal cases is 134 days.

Figure 3.5 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal cases from 2018 to 2022

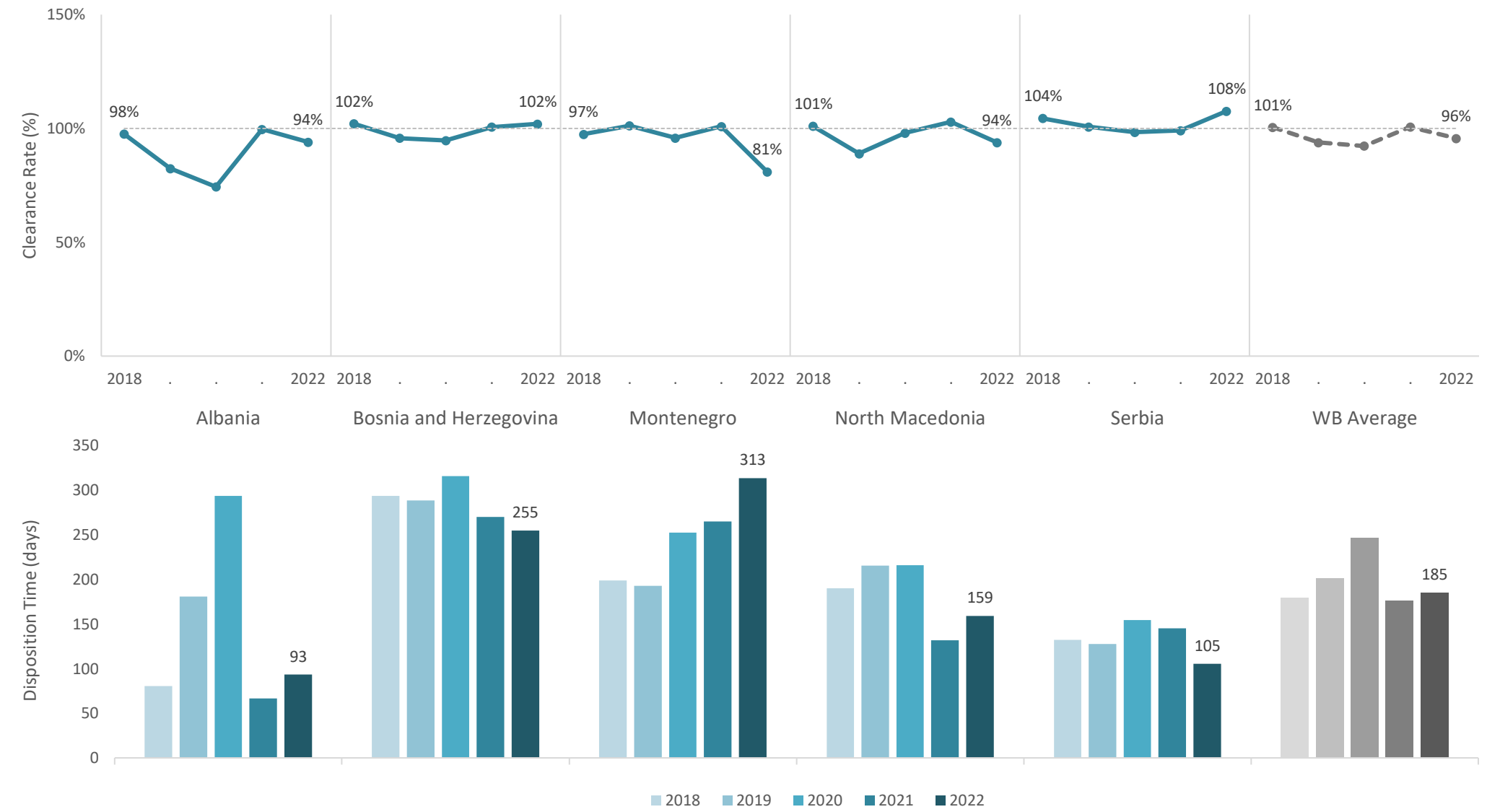
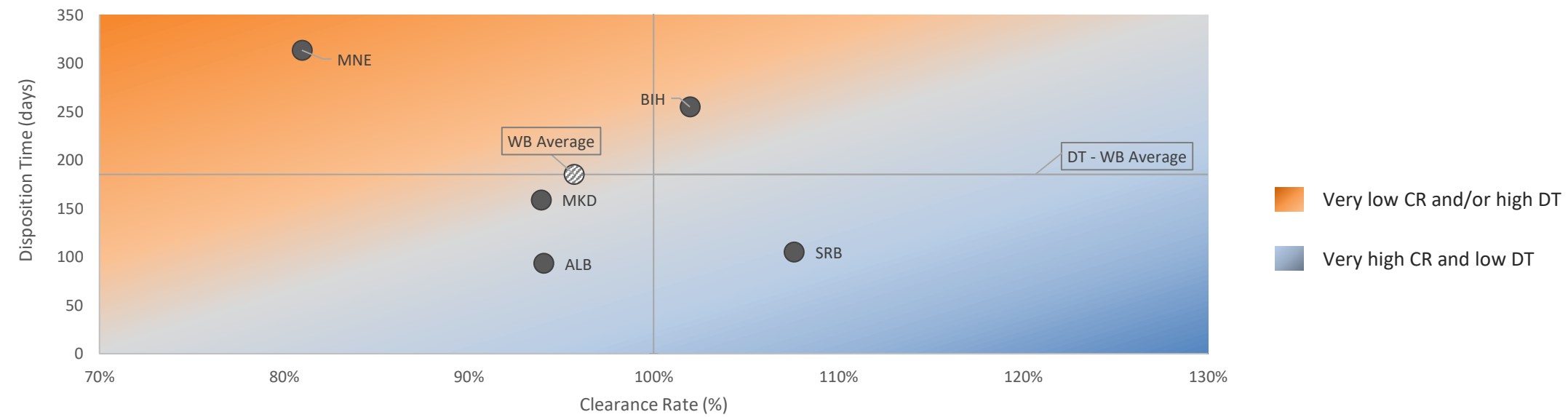


Figure 3.6 Clearance Rate (%) and Disposition Time (days) for first instance Total Criminal cases in 2022



* This designation is without prejudice to positions on 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 2021 and 2022 (Tables 3.1.2 and 3.2.2)

Beneficiaries	Civil and Commercial litigious cases per 100 inhabitants					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,79	0,70	0,73	-9,0% ▼	-14,9% ▼	14,9% ▲
Bosnia and Herzegovina	3,39	3,34	4,75	10,6% ▲	0,6% ▲	1,7% ▲
Montenegro	3,57	3,06	3,50	5,7% ▲	-1,2% ▼	14,8% ▲
North Macedonia	2,34	2,00	1,71	17,3% ▲	1,4% ▲	24,8% ▲
Serbia	3,39	6,04	4,95	-62,9% ▼	-11,1% ▼	-34,2% ▼
Kosovo*	2,37	1,46	6,03	-4,5% ▼	10,4% ▲	24,6% ▲
WB Average	2,70	3,03	3,12	-7,6%	-5,0%	4,4%

For reference only: the 2021 EU median is 1,76 incoming first instance Civil and commercial litigious cases per 100 inhabitants.

Beneficiaries	Administrative cases per 100 inhabitants					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,58	0,54	0,26	1,9% ▲	-0,7% ▼	17,2% ▲
Bosnia and Herzegovina	0,27	0,24	0,26	19,1% ▲	-2,4% ▼	15,5% ▲
Montenegro	2,15	0,85	2,76	102,1% ▲	-12,8% ▼	89,1% ▲
North Macedonia	0,29	0,30	0,25	-9,0% ▼	9,1% ▲	-4,8% ▼
Serbia	0,93	0,36	1,52	65,5% ▲	14,7% ▲	61,0% ▲
Kosovo*	0,18	0,15	0,40	-4,1% ▼	-15,9% ▼	1,9% ▲
WB Average	0,84	0,46	1,01	35,9%	1,6%	35,6%

For reference only: the 2021 EU median is 0,35 incoming first instance Administrative cases per 100 inhabitants.

Beneficiaries	Total Criminal cases per 100 inhabitants					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	1,66	1,56	0,40	1,1% ▲	-4,6% ▼	33,1% ▲
Bosnia and Herzegovina	5,54	5,65	3,94	2,4% ▲	3,7% ▲	-2,1% ▼
Montenegro	12,10	9,79	8,41	37,2% ▲	10,0% ▲	30,1% ▲
North Macedonia	4,86	4,57	1,99	6,9% ▲	-2,5% ▼	17,5% ▲
Serbia	29,31	31,54	9,10	3,3% ▲	12,1% ▲	-18,8% ▼
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	10,69	10,62	4,77	10,2%	3,8%	12,0%

For reference only: the 2021 EU median is 1,58 incoming first instance Total Criminal cases 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

Figure 3.7 Number of first instance Civil and Commercial litigious cases per 100 inhabitants and the Clearance Rate (CR) in 2022

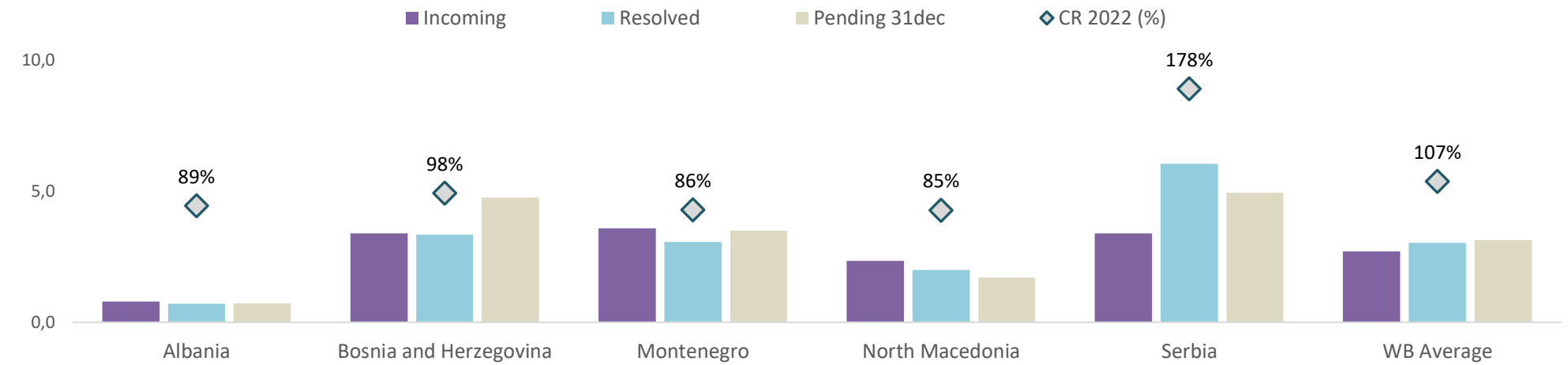


Figure 3.8 Number of first instance Administrative cases per 100 inhabitants and the Clearance Rate (CR) in 2022

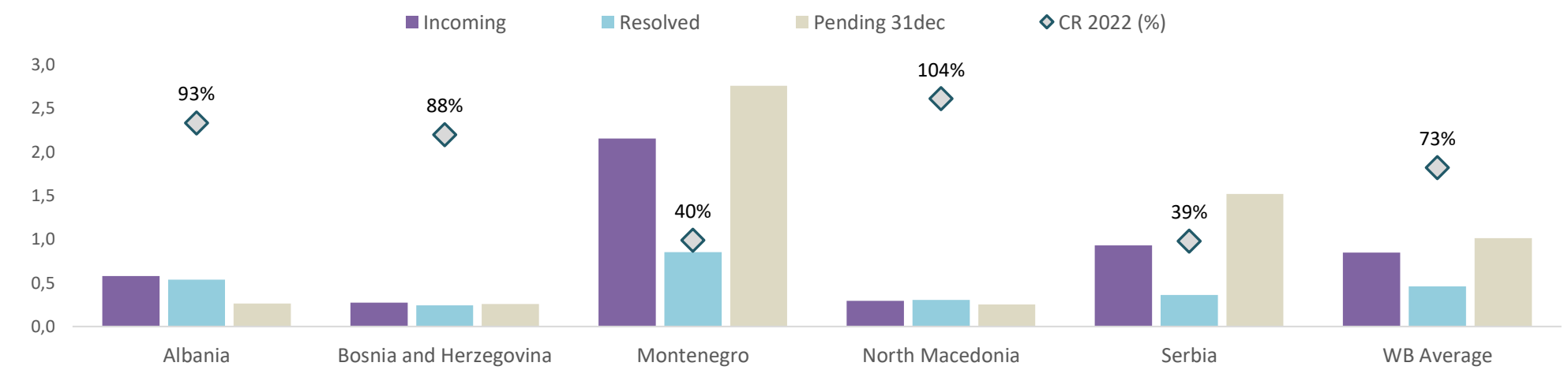
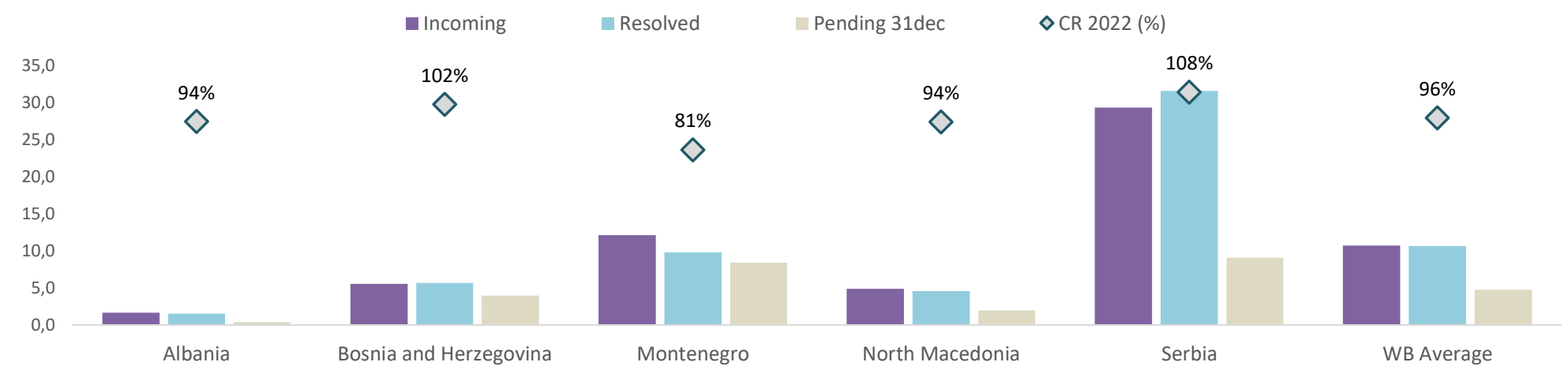


Figure 3.9 Number of first instance Total Criminal cases per 100 inhabitants and the Clearance Rate (CR) in 2022



Number of second instance cases per 100 inhabitants

Number of second instance per 100 inhabitants and variation between 2021 and 2022 (Tables 3.3.2 and 3.4.2)

Beneficiaries	Civil and Commercial litigious cases					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,14	0,09	0,59	-33,3% ▼	-24,6% ▼	9,1% ▲
Bosnia and Herzegovina	0,98	1,11	0,72	38,5% ▲	34,6% ▲	-14,3% ▼
Montenegro	1,30	1,15	0,43	3,8% ▲	-10,9% ▼	50,3% ▲
North Macedonia	0,82	0,80	0,36	-11,4% ▼	-8,0% ▼	7,4% ▲
Serbia	2,73	2,56	2,29	-7,7% ▼	16,9% ▲	9,3% ▲
Kosovo*	0,53	0,51	0,83	-15,4% ▼	23,2% ▲	12,7% ▲
WB Average	1,20	1,14	0,88	-2,0%	1,6%	12,4%

For reference only: the 2021 EU median is 0,17 incoming second instance Civil and commercial litigious cases per 100 inhabitants.

Beneficiaries	Administrative cases					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,13	0,03	0,76	-12,2% ▼	0,3% ▲	14,9% ▲
Bosnia and Herzegovina	0,10	0,15	0,11	-5,8% ▼	-3,6% ▼	-29,9% ▼
Montenegro	0,18	0,16	0,05	12,9% ▲	11,8% ▲	43,6% ▲
North Macedonia	0,13	0,13	0,03	-8,4% ▼	-18,3% ▼	-10,1% ▼
Serbia	NAP	NAP	NAP	NAP	NAP	NAP
Kosovo*	0,06	0,06	0,06	-15,1% ▼	14,9% ▲	-1,4% ▼
WB Average	0,13	0,12	0,24	-3,4%	-2,4%	4,7%

For reference only: the 2021 EU median is 0,06 incoming second instance Administrative cases per 100 inhabitants.

Beneficiaries	Total Criminal cases					
	2022			% variation 2021-2022		
	Incoming	Resolved	Pending 31dec	Incoming	Resolved	Pending 31dec
Albania	0,29	0,25	0,36	-3,4% ▼	5,9% ▲	14,0% ▲
Bosnia and Herzegovina	0,37	0,37	0,06	-4,1% ▼	-3,0% ▼	-3,9% ▼
Montenegro	0,55	0,46	0,14	10,6% ▲	-1,1% ▼	191,6% ▲
North Macedonia	0,41	0,40	0,14	7,3% ▲	6,2% ▲	1,6% ▲
Serbia	0,88	0,88	0,08	1,5% ▲	2,1% ▲	-3,1% ▼
Kosovo*	NA	NA	NA	NA	NA	NA
WB Average	0,50	0,47	0,16	2,4%	2,0%	40,0%

For reference only: the 2021 EU median is 0,15 incoming second instance Total Criminal cases per 100 inhabitants.

Figure 3.10 Number of second instance Civil and Commercial litigious cases per 100 inhabitants and the Clearance Rate (CR) in 2022

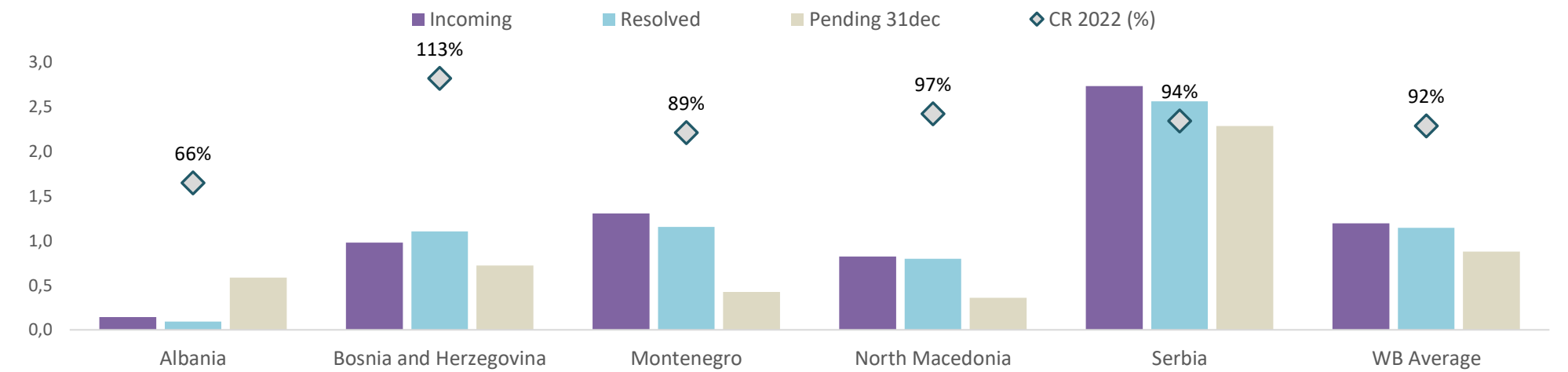


Figure 3.11 Number of second instance Administrative cases per 100 inhabitants and the Clearance Rate (CR) in 2022

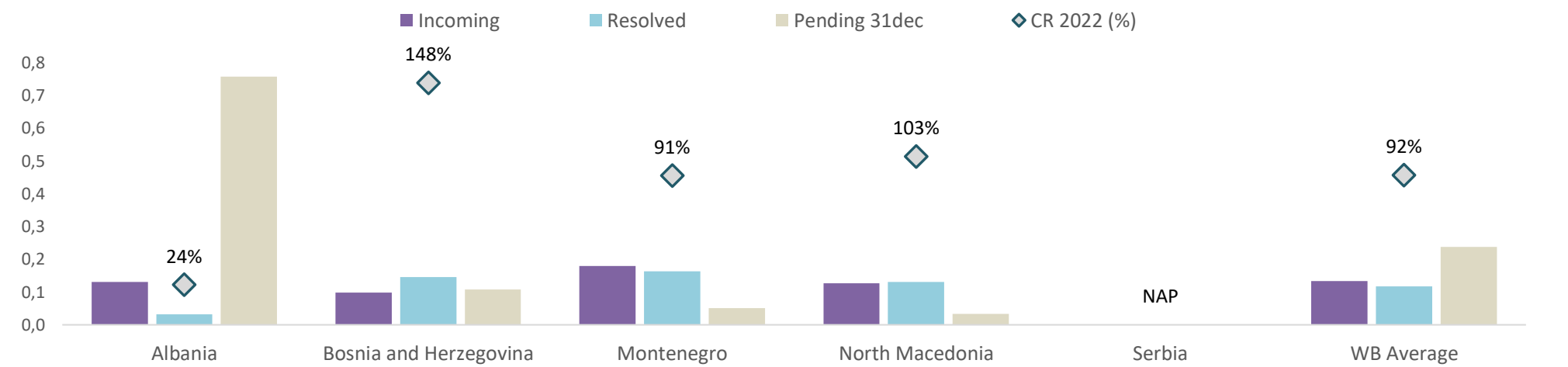
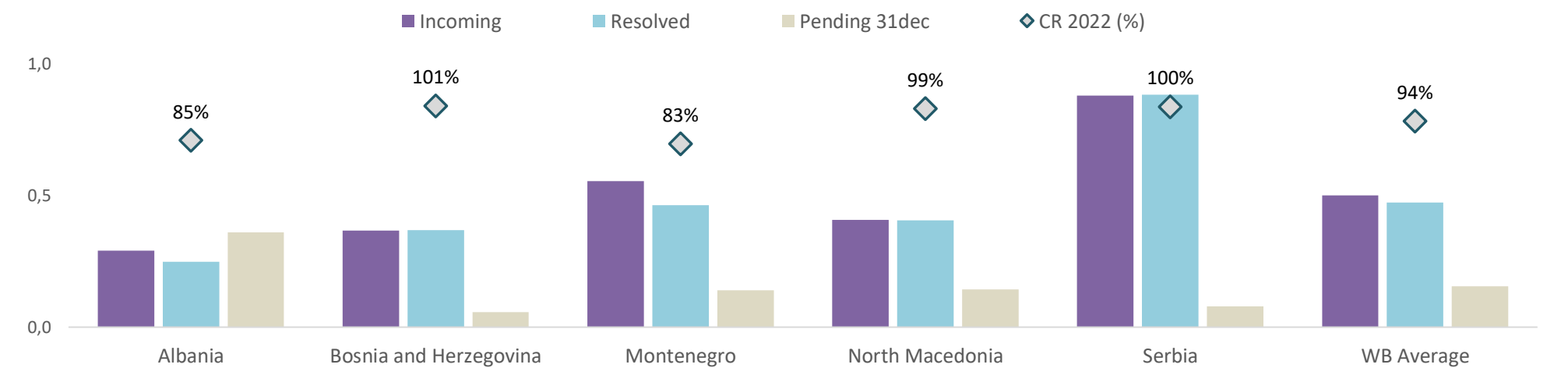


Figure 3.12 Number of second instance Total Criminal cases per 100 inhabitants and the Clearance Rate (CR) in 2022



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.

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Kosovo* is not included in the calculation of summary statistics

CMS index

CMS Index in 2022 (Table 3.2.2)

The Case Management System (CMS) Index is an index ranging from 0 to 12 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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. This methodology provides an adequate evaluation.

	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	0,0	0,0	0,0	6,0
Bosnia and Herzegovina	4,0	0,0	1,0	1,0	3,0	9,0
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	1,7	0,3	0,7	2,0	8,7
Kosovo*	3,6	2,0	1,0	1,0	2,5	10,1

■ Beneficiary's CMS Index
▨ Maximum attainable score

Figure 3.13 CMS Index in 2022

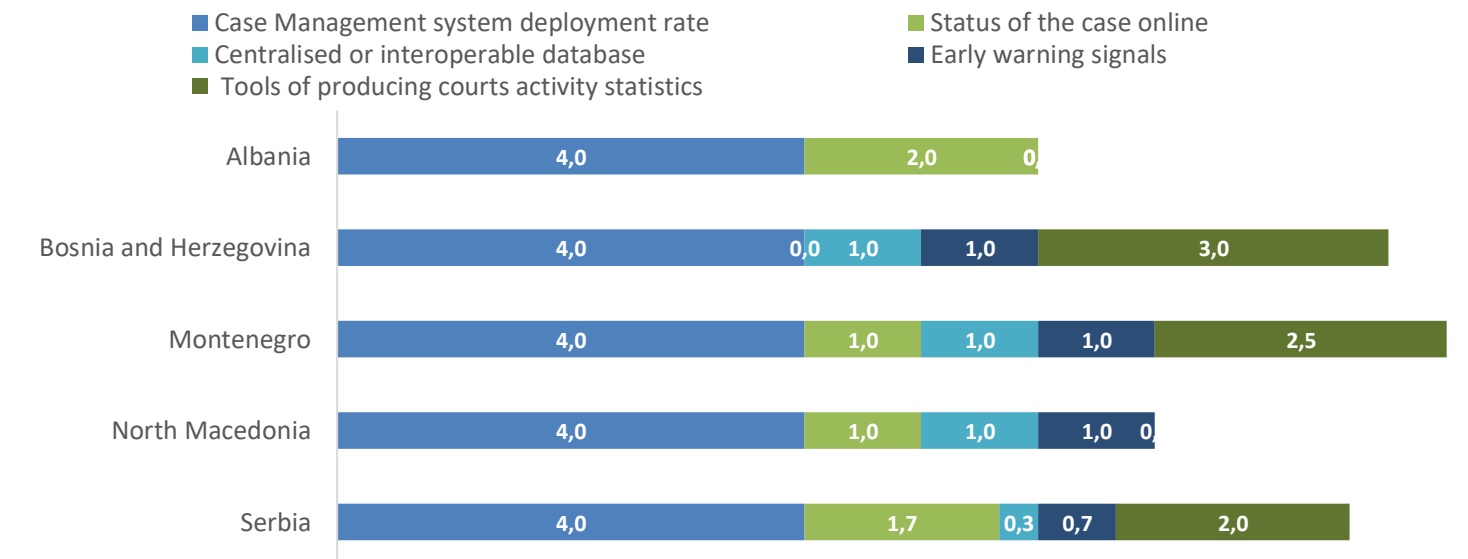
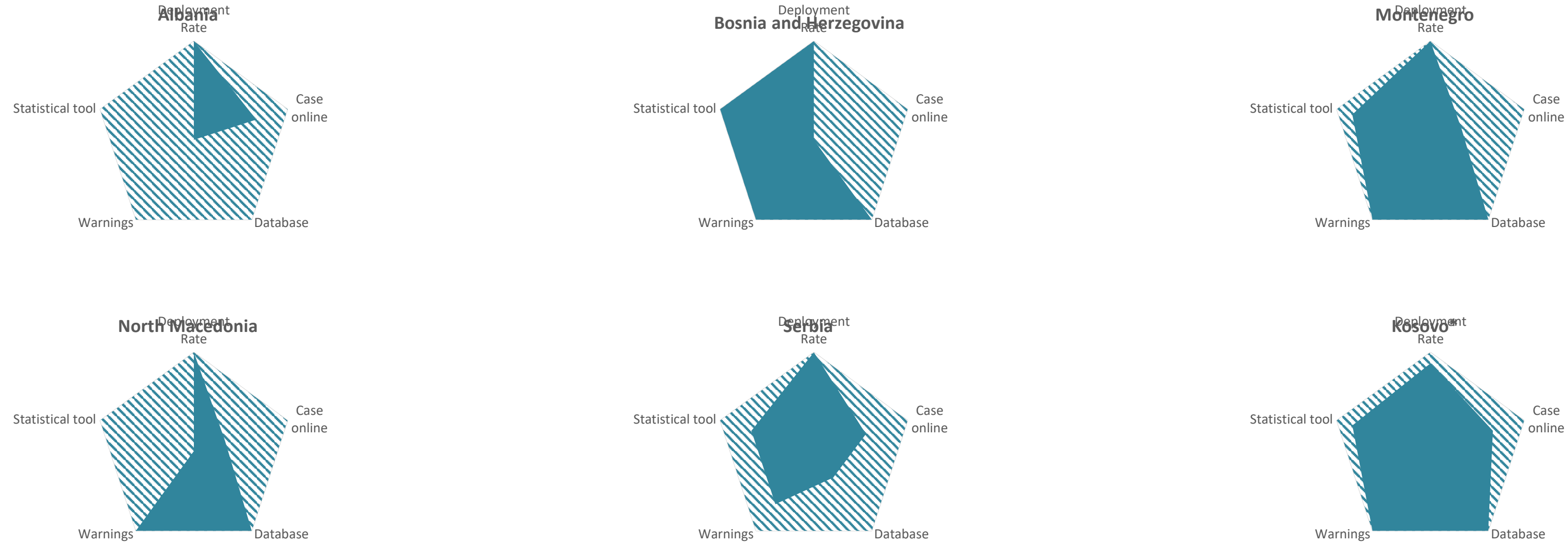


Figure 3.14 CMS index for each beneficiary and the maximum attainable score in 2022



* This designation is without prejudice to positions on 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

Table 3.0.0 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 cases (Q36 and Q37)

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2022 (Q35)

Table 3.1.2 First instance courts: number of other than criminal cases per 100 inhabitants in 2022 (Q35)

Table 3.1.3 First instance courts: percentage variation of number of other than criminal cases between 2021 and 2022 (Q35)

Table 3.1.4 First instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2022 (Q35)

Table 3.1.5 First instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2022 (Q38)

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2022 (Q38)

Table 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2021 and 2022 (Q38)

Table 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2022 (Q38)

Table 3.2.5 First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts: Number of "other than criminal law" cases in 2022 (Q39)

Table 3.3.2 Second instance courts: Number of other than criminal cases per 100 inhabitants in 2022 (Q39)

Table 3.3.3 Second instance courts: percentage variation of the number of "other than criminal law" cases between 2021 and 2022 (Q39)

Table 3.3.4 Second instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2022 (Q39)

Table 3.3.5 Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q39)

3. Efficiency - List of tables

3.4 Second instance criminal cases

Table 3.4.1. Second instance courts: Number of criminal cases in 2022 (Q40)

Table 3.4.2 Second instance courts: Number of Criminal cases per 100 inhabitants in 2022 (Q40)

Table 3.4.3 Second instance courts: percentage variation in number of criminal cases between 2021 and 2022 (Q40)

Table 3.4.4 Second instance criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2022 (Q40)

Table 3.4.5 Second instance criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2022 (Q41)

Table 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2022 (Q41)

Table 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2022 (Q41)

Table 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2022 (Q41)

Table 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variations between 2021 and 2022 (Q41)

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variations between 2021 and 2022 (Q41)

Table 3.5.7 Robbery cases and Intentional homicide cases: Variations between 2021 and 2022 (Q41)

Table 3.5.8 Bribery and Trading in influence cases: Variations between 2021 and 2022 (Q41)

3. Efficiency - List of tables

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

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2022 (Q42 and Q43)

Table 3.7.2 Regular monitoring of courts' activities (performance and quality) at the court's level in 2022 (Q58)

Table 3.7.3 Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level in 2022 (Q59)

Table 3.7.4 Evaluation of the performance at court level in 2022 (Q48, Q49, Q50, Q51 and Q56)

Table 3.7.5 Evaluation of performance at public prosecution services level in 2022 (Q52, Q53, Q54, Q55 and Q57)

Table 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2022 (Q60 and Q61)

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases in 2022 (Q61-1)

Table 3.7.8 Information regarding courts' activity in 2022 (Q62, Q63, Q66, Q67, Q68)

Table 3.7.9 Information regarding public prosecution services' activity in 2022 (Q64, Q65, Q69, Q70 and Q71)

Table 3.7.10 Performance and evaluation of judges in 2022 (Q74, Q75, Q75-1, Q76, Q76-1 and Q77)

Table 3.7.11 Performance and evaluation of public prosecutors in 2022 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

3.8 IT, Electronic case management system and court activity statistics

Table 3.8.1 IT Strategy and Case management system in 2022 (Q82-0, Q82, Q82-1 and Q82-2)

Table 3.8.2 CMS Index in 2022 (Q83)

Table 3.8.3 Centralised national database of court decisions in 2022 (Q84, Q85)

Table 3.0.0 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 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 cases
Albania	a) General non-litigious civil cases, b) non-litigious family law cases, c) commercial non-litigious cases c.1 Bankruptcy cases (subcategory of commercial non-litigious cases)	none
Bosnia and Herzegovina	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	No cases are included in the category "other cases".
Montenegro	Basic and commercial courts deal with: - Civil cases (P) - Civil cases - small value (Mal) - Complex non-litigious cases (Rs) - Other civil and non-litigious cases (R) - Legacy cases (O)	Basic and commercial courts - Execution cases (I)
North Macedonia	In "non-litigious cases" are included: non-disputable cases and division of property.	In "other cases" are included bankruptcy and liquidation cases.
Serbia	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.	-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. 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
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.

3.1 First instance other than criminal cases

Table 3.1.1 First instance courts: number of other than criminal cases in 2022 (Q35)

Beneficiaries	First instance Other than criminal cases in 2022																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	34 665	68 382	65 819	37 228	2 253	17 787	22 165	19 659	20 293	1 323	10 605	30 122	31 146	9 581	15	6 273	16 095	15 014	7 354	915	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	2 100 500	1 124 398	1 212 342	2 012 556	1 479 144	162 088	117 187	115 410	163 865	61 140	1 930 671	997 731	1 088 597	1 839 805	1 416 315	7 741	9 480	8 335	8 886	1 689	NAP	NAP	NAP	NAP	NAP
Montenegro	29 500	41 465	30 049	40 535	4 646	18 887	22 160	18 992	21 677	4 223	1 319	3 570	3 404	1 485	252	9 040	13 341	5 287	17 092	140	254	2 394	2 366	281	31
North Macedonia	32 700	78 313	72 051	38 962	NA	25 160	43 007	36 763	31 404	NA	1 990	28 848	28 565	2 273	NA	4 884	5 366	5 598	4 652	NA	666	1 092	1 125	633	NA
Serbia	709 506	893 355	1 094 831	508 030	131 962	516 314	230 479	410 562	336 231	104 036	126 586	473 310	532 829	67 067	10 136	64 768	63 008	24 631	103 145	17 482	1 838	126 558	126 809	1 587	308
Kosovo*	NA	NA	NA	NA	NA	92 761	42 975	26 403	109 333	34 460	NA	NA	NA	NA	NA	6 586	3 295	2 708	7 173	1 610	NA	NA	NA	NA	NA
Average	581 374	441 183	495 018	527 462	404 501	148 047	87 000	120 277	114 694	42 681	414 234	306 716	336 908	384 042	356 680	18 541	21 458	11 773	28 226	5 057	919	43 348	43 433	834	-
Median	34 665	78 313	72 051	40 535	68 304	25 160	43 007	36 763	31 404	32 682	10 605	30 122	31 146	9 581	5 194	7 741	13 341	8 335	8 886	1 302	666	2 394	2 366	633	-
Minimum	29 500	41 465	30 049	37 228	2 253	17 787	22 160	18 992	20 293	1 323	1 319	3 570	3 404	1 485	15	4 884	5 366	5 287	4 652	140	254	1 092	1 125	281	-
Maximum	2 100 500	1 124 398	1 212 342	2 012 556	1 479 144	516 314	230 479	410 562	336 231	104 036	1 930 671	997 731	1 088 597	1 839 805	1 416 315	64 768	63 008	24 631	103 145	17 482	1 838	126 558	126 809	1 587	-

* This designation is without prejudice to positions on 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 cases per 100 inhabitants in 2022 (Q35)

Beneficiaries	First instance Other than criminal cases per 100 inhabitants in 2022																								
	Total of other than criminal cases (1+2+3+4)					1.Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	1,24	2,45	2,36	1,33	0,08	0,64	0,79	0,70	0,73	0,05	0,38	1,08	1,11	0,34	0,00	0,22	0,58	0,54	0,26	0,03	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	60,83	32,56	35,11	58,28	42,84	4,69	3,39	3,34	4,75	1,77	55,91	28,89	31,53	53,28	41,02	0,22	0,27	0,24	0,26	0,05	NAP	NAP	NAP	NAP	NAP
Montenegro	4,76	6,69	4,85	6,54	0,75	3,05	3,57	3,06	3,50	0,68	0,21	0,58	0,55	0,24	0,04	1,46	2,15	0,85	2,76	0,02	0,04	0,39	0,38	0,05	0,00
North Macedonia	1,78	4,26	3,92	2,12	NA	1,37	2,34	2,00	1,71	NA	0,11	1,57	1,55	0,12	NA	0,27	0,29	0,30	0,25	NA	0,04	0,06	0,06	0,03	NA
Serbia	10,44	13,14	16,11	7,47	1,94	7,60	3,39	6,04	4,95	1,53	1,86	6,96	7,84	0,99	0,15	0,95	0,93	0,36	1,52	0,26	0,03	1,86	1,87	0,02	0,00
Kosovo*	NA	NA	NA	NA	NA	5,12	2,37	1,46	6,03	1,90	NA	NA	NA	NA	NA	0,36	0,18	0,15	0,40	0,09	NA	NA	NA	NA	NA
Average	15,81	11,82	12,47	15,15	11,40	3,47	2,70	3,03	3,12	1,01	11,70	7,82	8,52	10,99	10,30	0,63	0,84	0,46	1,01	0,09	0,03	0,77	0,77	0,03	-
Median	4,76	6,69	4,85	6,54	1,35	3,05	3,39	3,06	3,50	1,11	0,38	1,57	1,55	0,34	0,09	0,27	0,58	0,36	0,26	0,04	0,04	0,39	0,38	0,03	-
Minimum	1,24	2,45	2,36	1,33	0,08	0,64	0,79	0,70	0,73	0,05	0,11	0,58	0,55	0,12	0,00	0,22	0,27	0,24	0,25	0,02	0,03	0,06	0,06	0,02	-
Maximum	60,83	32,56	35,11	58,28	42,84	7,60	3,57	6,04	4,95	1,77	55,91	28,89	31,53	53,28	41,02	1,46	2,15	0,85	2,76	0,26	0,04	1,86	1,87	0,05	-

* This designation is without prejudice to positions on 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 cases between 2021 and 2022 (Q35)

Beneficiaries	First instance Other than criminal cases: percentage variation between 2021 and 2022																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	NA	NA	NA	NA	NA	8%	-9%	-15%	15%	33%	163%	-26%	-9%	-9%	275%	12%	2%	-1%	17%	43%	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	-1%	-1%	5%	-4%	-5%	-5%	10%	0%	1%	-20%	0%	-2%	5%	-4%	-4%	-7%	18%	-3%	15%	-12%	NAP	NAP	NAP	NAP	NAP
Montenegro	9%	20%	-6%	37%	3%	10%	6%	-1%	15%	1%	16%	-25%	-26%	13%	9%	6%	102%	-13%	89%	112%	5%	10%	9%	11%	29%
North Macedonia	4%	3%	-3%	19%	NA	2%	17%	1%	25%	NA	4%	-10%	-11%	14%	NA	19%	-9%	9%	-5%	NA	-7%	10%	8%	-5%	NA
Serbia	-10%	-33%	-22%	-28%	1%	45%	-63%	-12%	-35%	51%	-67%	-10%	-32%	-47%	-79%	35%	64%	13%	59%	28%	-5%	-4%	-3%	-14%	-17%
Kosovo*	NA	NA	NA	NA	NA	40%	-4%	11%	26%	18%	NA	NA	NA	NA	NA	-3%	-3%	-15%	3%	-12%	NA	NA	NA	NA	NA
Average	1%	-3%	-7%	6%	0%	12%	-8%	-5%	4%	16%	23%	-15%	-14%	-7%	50%	13%	35%	1%	35%	43%	-2%	5%	4%	-3%	-
Median	2%	1%	-5%	8%	1%	8%	6%	-1%	15%	17%	4%	-10%	-11%	-4%	2%	12%	18%	-1%	17%	35%	-5%	10%	8%	-5%	-
Minimum	-10%	-33%	-22%	-28%	-5%	-5%	-63%	-15%	-35%	-20%	-67%	-26%	-32%	-47%	-79%	-7%	-9%	-13%	-5%	-12%	-7%	-4%	-3%	-14%	-
Maximum	9%	20%	5%	37%	3%	45%	17%	1%	25%	51%	163%	-2%	5%	14%	275%	35%	102%	13%	89%	112%	5%	10%	9%	11%	-

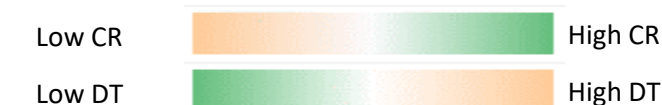
Lowest value  Highest value

* 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 cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2022 (Q35)

Beneficiaries	First instance Other than criminal cases in 2022														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative 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	96%	206	6%	89%	377	7%	103%	112	0%	93%	179	12%	NAP	NAP	NAP
Bosnia and Herzegovina	108%	606	73%	98%	518	37%	109%	617	77%	88%	389	19%	NAP	NAP	NAP
Montenegro	72%	492	11%	86%	417	19%	95%	159	17%	40%	1 180	1%	99%	43	11%
North Macedonia	92%	197	NA	85%	312	NA	99%	29	NA	104%	303	NA	103%	205	NA
Serbia	123%	169	26%	178%	299	31%	113%	46	15%	39%	1 528	17%	100%	5	19%
Kosovo*	NA	NA	NA	61%	1 511	32%	NA	NA	NA	82%	967	22%	NA	NA	NA
Average	98%	334	29%	107%	384	24%	104%	193	27%	73%	716	12%	101%	84	-
Median	96%	206	19%	89%	377	25%	103%	112	16%	88%	389	15%	100%	43	-
Minimum	72%	169	6%	85%	299	7%	95%	29	0%	39%	179	1%	99%	5	-
Maximum	123%	606	73%	178%	518	37%	113%	617	77%	104%	1528	19%	103%	205	-



* This designation is without prejudice to positions on 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 cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

Beneficiaries	First instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative 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	-6,1	35,0%	0,9	19,5	-0,6%	0,1	-2,4	18,0%	2,2	NAP	NAP	NAP
Bosnia and Herzegovina	6,0	-8,3%	-1,1	-9,8	1,1%	-10,0	8,1	-9,3%	-0,2	-19,3	18,3%	-5,7	NAP	NAP	NAP
Montenegro	-20,4	46,5%	-3,8	-6,0	16,1%	-2,6	-0,8	52,1%	-0,6	-52,2	116,9%	0,1	-0,6	1,4%	1,6
North Macedonia	-6,4	23,2%	NA	-13,4	23,1%	NA	-0,8	28,3%	NA	17,3	-12,7%	NA	-1,7	-11,8%	NA
Serbia	16,9	-8,4%	7,6	103,7	-25,9%	17,6	-35,2	-22,4%	-22,4	-17,3	40,3%	-4,1	0,1	-10,6%	-0,9
Kosovo*	NA	NA	NA	8,30	12,9%	-1,90	NA	NA	NA	-11,51	21,1%	-3,76	NA	NA	NA
Average	-1,0	13,3%	0,9	13,7	9,9%	1,5	-1,8	9,6%	-5,8	-14,8	36,2%	-1,9	-0,7	-7,0%	-
Median	-0,2	7,5%	-1,1	-6,1	16,1%	-0,9	-0,8	-0,6%	-0,4	-17,3	18,3%	-2,0	-0,6	-10,6%	-
Minimum	-20,4	-8,4%	-3,8	-13,4	-25,9%	-10,0	-35,2	-22,4%	-22,4	-52,2	-12,7%	-5,7	-1,7	-11,8%	-
Maximum	16,9	46,5%	7,6	103,7	35,0%	17,6	19,5	52,1%	0,1	17,3	116,9%	2,2	0,1	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

3.2 First instance criminal cases

Table 3.2.1 First instance courts: number of Criminal cases in 2022 (Q38)

Beneficiaries	First instance Criminal cases in 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	8 379	46 368	43 603	11 144	137	1 838	8 320	8 273	1 885	96	1 208	2 188	2 237	1 159	16	5 333	35 860	33 093	8 100	25
Bosnia and Herzegovina	139 944	191 289	195 037	136 196	29 520	7 390	8 558	8 472	7 476	1 242	48 319	54 172	59 786	42 705	92	84 235	128 559	126 779	86 015	28 186
Montenegro	40 070	75 005	60 720	52 136	NA	2 428	3 543	3 304	2 656	371	18 532	52 755	40 349	30 695	NA	19 110	18 707	17 067	18 785	NA
North Macedonia	31 076	89 339	83 890	36 525	NA	5 584	11 329	11 475	5 438	NA	25 492	78 010	72 415	31 087	NA	NAP	NAP	NAP	NAP	NAP
Serbia	769 671	1 992 322	2 143 795	618 198	148 925	28 560	44 742	46 404	26 898	5 355	231 052	326 498	347 268	210 282	11 143	510 059	1 621 082	1 750 123	381 018	132 427
Kosovo*	NA	NA	NA	NA	NA	35 164	18 677	18 599	35 242	14 862	30 944	30 549	25 708	35 785	3 587	NA	NA	NA	NA	NA
Average	197 828	478 865	505 409	170 840	59 527	9 160	15 298	15 586	8 871	1 766	64 921	102 725	104 411	63 186	3 750	154 684	451 052	481 766	123 480	53 546
Median	40 070	89 339	83 890	52 136	29 520	5 584	8 558	8 472	5 438	807	25 492	54 172	59 786	31 087	92	51 673	82 210	79 936	52 400	28 186
Minimum	8 379	46 368	43 603	11 144	137	1 838	3 543	3 304	1 885	96	1 208	2 188	2 237	1 159	16	5 333	18 707	17 067	8 100	25
Maximum	769 671	1 992 322	2 143 795	618 198	148 925	28 560	44 742	46 404	26 898	5 355	231 052	326 498	347 268	210 282	11 143	510 059	1 621 082	1 750 123	381 018	132 427

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

Kosovo* is not included in the calculation of summary statistics

Table 3.2.2 First instance courts: number of Criminal cases per 100 inhabitants in 2022 (Q38)

Beneficiaries	First instance Criminal cases per 100 inhabitants in 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	0,30	1,66	1,56	0,40	0,00	0,07	0,30	0,30	0,07	0,00	0,04	0,08	0,08	0,04	0,00	0,19	1,28	1,18	0,29	0,00
Bosnia and Herzegovina	4,05	5,54	5,65	3,94	0,85	0,21	0,25	0,25	0,22	0,04	1,40	1,57	1,73	1,24	0,00	2,44	3,72	3,67	2,49	0,82
Montenegro	6,46	12,10	9,79	8,41	NA	0,39	0,57	0,53	0,43	0,06	2,99	8,51	6,51	4,95	NA	3,08	3,02	2,75	3,03	NA
North Macedonia	1,69	4,86	4,57	1,99	NA	0,30	0,62	0,62	0,30	NA	1,39	4,25	3,94	1,69	NA	NAP	NAP	NAP	NAP	NAP
Serbia	11,32	29,31	31,54	9,10	2,19	0,42	0,66	0,68	0,40	0,08	3,40	4,80	5,11	3,09	0,16	7,50	23,85	25,75	5,61	1,95
Kosovo*	NA	NA	NA	NA	NA	1,94	1,03	1,03	1,94	0,82	1,71	1,69	1,42	1,97	0,20	NA	NA	NA	NA	NA
Average	4,77	10,69	10,62	4,77	1,02	0,28	0,48	0,48	0,28	0,04	1,84	3,84	3,47	2,20	0,06	3,30	7,97	8,34	2,85	0,92
Median	4,05	5,54	5,65	3,94	0,85	0,30	0,57	0,53	0,30	0,05	1,40	4,25	3,94	1,69	0,00	2,76	3,37	3,21	2,76	0,82
Minimum	0,30	1,66	1,56	0,40	0,00	0,07	0,25	0,25	0,07	0,00	0,04	0,08	0,08	0,04	0,00	0,19	1,28	1,18	0,29	0,00
Maximum	11,32	29,31	31,54	9,10	2,19	0,42	0,66	0,68	0,43	0,08	3,40	8,51	6,51	4,95	0,16	7,50	23,85	25,75	5,61	1,95

* This designation is without prejudice to positions on 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 3.2.3 First instance courts: percentage variation of the number of criminal cases between 2021 and 2022 (Q38)

Beneficiaries	First instance criminal cases: percentage variation between 2021 and 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	2%	1%	-5%	33%	93%	-31%	-3%	-11%	0%	100%	-2%	-6%	-3%	-6%	78%	23%	2%	-3%	54%	79%
Bosnia and Herzegovina	-1%	2%	3%	-3%	-14%	-4%	-2%	-6%	1%	-12%	8%	-10%	5%	-12%	-23%	-5%	8%	3%	2%	-14%
Montenegro	-1%	37%	10%	30%	NA	13%	-9%	-8%	9%	58%	-4%	65%	23%	66%	NA	0%	-1%	-10%	-2%	NA
North Macedonia	-7%	7%	-2%	18%	NA	-10%	-11%	-14%	-3%	NA	-7%	10%	0%	22%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	2%	2%	11%	-20%	-1%	-3%	-4%	-2%	-6%	-10%	4%	-9%	-1%	-9%	-9%	2%	5%	14%	-25%	0%
Kosovo*	NA	NA	NA	NA	NA	-19%	-13%	-36%	-2%	9%	-35%	19%	-45%	37%	1 433%	NA	NA	NA	NA	NA
Average	-1%	10%	3%	12%	26%	-7%	-6%	-8%	0%	34%	0%	10%	5%	12%	15%	5%	4%	1%	7%	22%
Median	-1%	2%	3%	18%	-1%	-4%	-4%	-8%	0%	24%	-2%	-6%	0%	-6%	-9%	1%	4%	0%	0%	0%
Minimum	-7%	1%	-5%	-20%	-14%	-31%	-11%	-14%	-6%	-12%	-7%	-10%	-3%	-12%	-23%	-5%	-1%	-10%	-25%	-14%
Maximum	2%	37%	11%	33%	93%	13%	-2%	-2%	9%	100%	8%	65%	23%	66%	78%	23%	8%	14%	54%	79%

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 3.2.4 First instance courts: Criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years in 2022 (Q38)

Beneficiaries	First instance courts: criminal cases											
	Total criminal 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	94%	93	1%	99%	83	5%	102%	189	1%	92%	89	0%
Bosnia and Herzegovina	102%	255	22%	99%	322	17%	110%	261	0%	99%	248	33%
Montenegro	81%	313	NA	93%	293	14%	76%	278	NA	91%	402	NA
North Macedonia	94%	159	NA	101%	173	NA	93%	157	NA	NAP	NAP	NAP
Serbia	108%	105	24%	104%	212	20%	106%	221	5%	108%	79	35%
Kosovo*	NA	NA	NA	100%	692	42%	84%	508	10%	NA	NA	NA
Average	96%	185	16%	99%	217	14%	98%	221	2%	98%	205	23%
Median	94%	159	22%	99%	212	15%	102%	221	1%	95%	168	33%
Minimum	81%	93	1%	93%	83	5%	76%	157	0%	91%	79	0%
Maximum	108%	313	24%	104%	322	20%	110%	278	5%	108%	402	35%



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Kosovo* is not included in the calculation of summary statistics

Table 3.2.5 First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

Beneficiaries	First instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022											
	Total criminal 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	-5,6	39,5%	0,4	-9,6	12,7%	2,5	2,7	-3,4%	0,7	-5,1	58,9%	0,0
Bosnia and Herzegovina	1,3	-5,6%	-2,7	-4,4	7,5%	-2,4	16,3	-16,0%	0,0	-5,2	-0,6%	-5,9
Montenegro	-20,0	18,3%	NA	0,9	19,5%	4,3	-26,0	34,2%	NA	-9,0	8,9%	NA
North Macedonia	-9,0	20,5%	NA	-3,4	12,9%	NA	-9,7	22,4%	NA	NAP	NAP	NAP
Serbia	8,5	-27,6%	4,5	2,0	-4,2%	-0,9	8,9	-8,3%	0,0	8,6	-34,5%	8,8
Kosovo*	NA	NA	NA	-5,3	12,8%	-2,1	12,7	0,1%	7,9	NA	NA	NA
Average	-5,0	9,0%	0,7	-2,9	9,7%	0,9	-1,6	5,8%	0,2	-2,7	8,2%	1,0
Median	-5,6	18,3%	0,4	-3,4	12,7%	0,8	2,7	-3,4%	0,0	-5,1	4,2%	0,0
Minimum	8,5	39,5%	4,5	2,0	19,5%	4,3	16,3	34,2%	0,7	8,6	58,9%	8,8
Maximum	-20,0	-27,6%	-2,7	-9,6	-4,2%	-2,4	-26,0	-16,0%	0,0	-9,0	-34,5%	-5,9

* 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

3.3 Second instance other than criminal cases

Table 3.3.1 Second instance courts: Number of “other than criminal law” cases in 2022 (Q39)

Beneficiaries	Second instance Other than criminal cases in 2022																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non-litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	37 739	10 003	5 228	42 514	24 304	15 025	3 988	2 632	16 381	8 550	4 299	2 374	1 706	4 967	2 022	18 415	3 641	890	21 166	13 732	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	34 498	37 241	43 176	28 563	7 931	29 158	33 847	38 164	24 841	7 865	NAP	NAP	NAP	NAP	NAP	5 340	3 394	5 012	3 722	66	NAP	NAP	NAP	NAP	NAP
Montenegro	2 044	9 452	8 415	3 044	964	1 762	8 077	7 155	2 649	938	53	210	190	73	26	220	1 109	1 011	316	0	9	56	59	6	0
North Macedonia	6 862	17 431	17 040	7 253	NA	6 188	15 097	14 638	6 647	NA	NAP	NAP	NAP	NAP	NAP	674	2 334	2 402	606	NA	NAP	NAP	NAP	NAP	NAP
Serbia	145 772	199 726	189 134	156 364	108 234	143 722	185 758	174 068	155 412	108 155	2 050	13 959	15 057	952	79	NAP	NAP	NAP	NAP	NAP	0	9	9	0	0
Kosovo*	NA	NA	NA	NA	NA	14 541	9 687	9 250	14 978	NA	NA	NA	NA	NA	NA	1 024	1 010	1 016	1 018	NA	NA	NA	NA	NA	NA
Average	45 383	54 771	52 599	47 548	35 358	39 171	49 353	47 331	41 186	31 377	2 134	5 514	5 651	1 997	709	6 162	2 620	2 329	6 453	4 599	-	-	-	-	-
Median	34 498	17 431	17 040	28 563	16 118	15 025	15 097	14 638	16 381	8 208	2 050	2 374	1 706	952	79	3 007	2 864	1 707	2 164	66	-	-	-	-	-
Minimum	2 044	9 452	5 228	3 044	964	1 762	3 988	2 632	2 649	938	53	210	190	73	26	220	1 109	890	316	0	-	-	-	-	-
Maximum	145 772	199 726	189 134	156 364	108 234	143 722	185 758	174 068	155 412	108 155	4 299	13 959	15 057	4 967	2 022	18 415	3 641	5 012	21 166	13 732	-	-	-	-	-

* This designation is without prejudice to positions on 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 3.3.2 Second instance courts: Number of other than criminal cases per 100 inhabitants in 2022 (Q39)

Beneficiaries	Second instance Other than criminal cases per 100 inhabitants in 2022																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	1,35	0,36	0,19	1,52	0,87	0,54	0,14	0,09	0,59	0,31	0,15	0,08	0,06	0,18	0,07	0,66	0,13	0,03	0,76	0,49	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	1,00	1,08	1,25	0,83	0,23	0,84	0,98	1,11	0,72	0,23	NAP	NAP	NAP	NAP	NAP	0,15	0,10	0,15	0,11	0,00	NAP	NAP	NAP	NAP	NAP
Montenegro	0,33	1,52	1,36	0,49	0,16	0,28	1,30	1,15	0,43	0,15	0,01	0,03	0,03	0,01	0,00	0,04	0,18	0,16	0,05	0,00	0,00	0,01	0,01	0,00	0,00
North Macedonia	0,37	0,95	0,93	0,39	NA	0,34	0,82	0,80	0,36	NA	NAP	NAP	NAP	NAP	NAP	0,04	0,13	0,13	0,03	NA	NAP	NAP	NAP	NAP	NAP
Serbia	2,14	2,94	2,78	2,30	1,59	2,11	2,73	2,56	2,29	1,59	0,03	0,21	0,22	0,01	0,00	NAP	NAP	NAP	NAP	NAP	0,00	0,00	0,00	0,00	0,00
Kosovo*	NA	NA	NA	NA	NA	0,80	0,53	0,51	0,83	NA	NA	NA	NA	NA	NA	0,06	0,06	0,06	0,06	NA	NA	NA	NA	NA	NA
Average	1,04	1,37	1,30	1,11	0,71	0,82	1,20	1,14	0,88	0,57	0,06	0,11	0,10	0,07	0,03	0,22	0,13	0,12	0,24	0,16	-	-	-	-	-
Median	1,00	1,08	1,25	0,83	0,55	0,54	0,98	1,11	0,59	0,27	0,03	0,08	0,06	0,01	0,00	0,10	0,13	0,14	0,08	0,00	-	-	-	-	-
Minimum	0,33	0,36	0,19	0,39	0,16	0,28	0,14	0,09	0,36	0,15	0,01	0,03	0,03	0,01	0,00	0,04	0,10	0,03	0,03	0,00	-	-	-	-	-
Maximum	2,14	2,94	2,78	2,30	1,59	2,11	2,73	2,56	2,29	1,59	0,15	0,21	0,22	0,18	0,07	0,66	0,18	0,16	0,76	0,49	-	-	-	-	-

* This designation is without prejudice to positions on 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 3.3.3 Second instance courts: percentage variation of the number of “other than criminal law” cases between 2021 and 2022 (Q39)

Beneficiaries	Second instance Other than criminal cases: percentage variation between 2021 and 2022																								
	Total of other than criminal cases (1+2+3+4)					1. Civil (and commercial) litigious cases					2. Non litigious cases					3. Administrative cases					4. Other cases				
	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	NA	NA	NA	NA	NA	20%	-33%	-25%	9%	59%	33%	-14%	0%	15%	99%	21%	-12%	0%	15%	27%	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	-14%	32%	28%	-17%	-37%	-12%	38%	34%	-15%	-35%	NAP	NAP	NAP	NAP	NAP	-23%	-6%	-4%	-30%	-86%	NAP	NAP	NAP	NAP	NAP
Montenegro	-9%	3%	-10%	49%	55%	-14%	4%	-11%	50%	56%	-10%	-13%	-23%	38%	37%	55%	13%	12%	44%	-	350%	-56%	-52%	-33%	-100%
North Macedonia	12%	-11%	-10%	6%	NA	22%	-11%	-8%	7%	NA	NAP	NAP	NAP	NAP	NAP	-37%	-8%	-18%	-10%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	58%	-8%	15%	7%	54%	58%	-9%	16%	8%	54%	43%	-2%	10%	-54%	-9%	NAP	NAP	NAP	NAP	NAP	0%	-25%	-25%	0%	0%
Kosovo*	NA	NA	NA	NA	NA	57%	-15%	24%	14%	NA	NA	NA	NA	NA	NA	42%	-14%	16%	-1%	NA	NA	NA	NA	NA	NA
Average	12%	4%	6%	11%	24%	15%	-2%	1%	12%	34%	22%	-10%	-4%	0%	42%	4%	-3%	-3%	5%	-30%	-	-	-	-	-
Median	2%	-2%	3%	6%	54%	20%	-9%	-8%	8%	55%	33%	-13%	0%	15%	37%	-1%	-7%	-2%	2%	-30%	-	-	-	-	-
Minimum	-14%	-11%	-10%	-17%	-37%	-14%	-33%	-25%	-15%	-35%	-10%	-14%	-23%	-54%	-9%	-37%	-12%	-18%	-30%	-86%	-	-	-	-	-
Maximum	58%	32%	28%	49%	55%	58%	38%	34%	50%	59%	43%	-2%	10%	38%	99%	55%	13%	12%	44%	27%	-	-	-	-	-

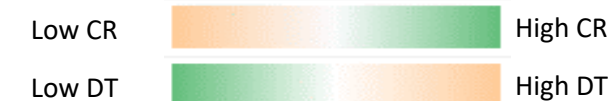
Lowest value  Highest value

* 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 3.3.4 Second instance courts: Other than criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for other than criminal cases in 2022 (Q39)

Beneficiaries	Second instance Other than criminal cases in 2022														
	Total of other than criminal cases (1+2+3)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative 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	52%	2968	57%	66%	2272	52%	72%	1063	41%	24%	8680	65%	NAP	NAP	NAP
Bosnia and Herzegovina	116%	241	28%	113%	238	32%	NAP	NAP	NAP	148%	271	2%	NAP	NAP	NAP
Montenegro	89%	132	32%	89%	135	35%	90%	140	36%	91%	114	0%	105%	37	0%
North Macedonia	98%	155	NA	97%	166	NA	NAP	NAP	NAP	103%	92	NA	NAP	NAP	NAP
Serbia	95%	302	69%	94%	326	70%	108%	23	8%	NAP	NAP	NAP	100%	0	-
Kosovo*	NA	NA	NA	95%	591	NA	NA	NA	NA	101%	366	NA	NA	NA	NA
Average	90%	760	46%	92%	627	47%	90%	409	28%	92%	2289	22%	-	-	-
Median	95%	241	44%	94%	238	44%	90%	140	36%	97%	193	2%	-	-	-
Minimum	52%	132	28%	66%	135	32%	72%	23	8%	24%	92	0%	-	-	-
Maximum	116%	2968	69%	113%	2272	70%	108%	1063	41%	148%	8680	65%	-	-	-



* This designation is without prejudice to positions on 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 3.3.5 Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q39)

Beneficiaries	Second instance Other than criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022														
	Total of other than criminal cases (1+2+3+4)			1. Civil (and commercial) litigious cases			2. Non litigious cases			3. Administrative 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	7,7	44,6%	16,5	10,2	15,3%	17,1	3,0	14,6%	6,3	NAP	NAP	NAP
Bosnia and Herzegovina	-3,7	-35,3%	-8,5	-3,2	-36,3%	-9,6	NAP	NAP	NAP	3,3	-27,2%	-7,2	NAP	NAP	NAP
Montenegro	-12,8	64,7%	1,3	-14,6	68,8%	1,4	-11,6	79,1%	-0,2	-0,9	28,4%	0,0	10,0	37,9%	-11,1
North Macedonia	1,5	16,9%	NA	3,6	16,7%	NA	NAP	NAP	NAP	-12,4	10,0%	NA	NAP	NAP	NAP
Serbia	19,3	-6,8%	21,1	19,7	-6,4%	20,8	12,2	-57,9%	4,1	NAP	NAP	NAP	0,0	-	-
Kosovo*	NA	NA	NA	29,93	-8,6%	NA	NA	NA	NA	26,27	-14,2%	NA	NA	NA	NA
Average	1,1	9,9%	4,6	2,6	17,5%	7,3	3,6	12,2%	7,0	-1,7	6,4%	-0,3	-	-	-
Median	-1,1	5,0%	1,3	3,6	16,7%	8,9	10,2	15,3%	4,1	1,1	12,3%	0,0	-	-	-
Minimum	-12,8	-35,3%	-8,5	-14,6	-36,3%	-9,6	-11,6	-57,9%	-0,2	-12,4	-27,2%	-7,2	-	-	-
Maximum	19,3	64,7%	21,1	19,7	68,8%	20,8	12,2	79,1%	17,1	3,3	28,4%	6,3	-	-	-

* 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

3.4 Second instance criminal cases

Table 3.4.1. Second instance courts: Number of criminal cases in 2022 (Q40)

Beneficiaries	Second instance Criminal cases in 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	8 840	8 128	6 912	10 056	3 011	5 777	3 282	1 955	7 104	2 057	1 075	393	178	1 290	594	1 988	4 453	4 779	1 662	360
Bosnia and Herzegovina	2 045	12 626	12 718	1 953	194	1 205	3 038	3 072	1 171	113	344	3 184	3 221	307	0	496	6 404	6 425	475	81
Montenegro	296	3 439	2 871	863	NA	212	1 463	1 198	477	14	84	1 976	1 673	386	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	2 580	7 480	7 439	2 621	NA	779	3 043	2 832	990	NA	1 801	4 437	4 607	1 631	NA	NAP	NAP	NAP	NAP	NAP
Serbia	5 577	59 689	59 894	5 372	951	1 642	26 387	26 554	1 475	579	3 897	29 993	30 036	3 854	368	38	3 309	3 304	43	4
Kosovo*	NA	NA	NA	NA	NA	641	2 733	2 380	994	NA	12	685	624	73	NA	NA	NA	NA	NA	NA
Average	3 868	18 272	17 967	4 173	1 385	1 923	7 443	7 122	2 243	691	1 440	7 997	7 943	1 494	321	841	4 722	4 836	727	148
Median	2 580	8 128	7 439	2 621	951	1 205	3 043	2 832	1 171	346	1 075	3 184	3 221	1 290	368	496	4 453	4 779	475	81
Minimum	296	3 439	2 871	863	194	212	1 463	1 198	477	14	84	393	178	307	0	38	3 309	3 304	43	4
Maximum	8 840	59 689	59 894	10 056	3 011	5 777	26 387	26 554	7 104	2 057	3 897	29 993	30 036	3 854	594	1 988	6 404	6 425	1 662	360

* This designation is without prejudice to positions on 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 3.4.2 Second instance courts: Number of Criminal cases per 100 inhabitants in 2022 (Q40)

Beneficiaries	Second instance Criminal cases per 100 inhabitants in 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	0,32	0,29	0,25	0,36	0,11	0,21	0,12	0,07	0,25	0,07	0,04	0,01	0,01	0,05	0,02	0,07	0,16	0,17	0,06	0,01
Bosnia and Herzegovina	0,06	0,37	0,37	0,06	0,01	0,03	0,09	0,09	0,03	0,00	0,01	0,09	0,09	0,01	0,00	0,01	0,19	0,19	0,01	0,00
Montenegro	0,05	0,55	0,46	0,14	NA	0,03	0,24	0,19	0,08	0,00	0,01	0,32	0,27	0,06	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	0,14	0,41	0,40	0,14	NA	0,04	0,17	0,15	0,05	NA	0,10	0,24	0,25	0,09	NA	NAP	NAP	NAP	NAP	NAP
Serbia	0,08	0,88	0,88	0,08	0,01	0,02	0,39	0,39	0,02	0,01	0,06	0,44	0,44	0,06	0,01	0,00	0,05	0,05	0,00	0,00
Kosovo*	NA	NA	NA	NA	NA	0,04	0,15	0,13	0,05	NA	0,00	0,04	0,03	0,00	NA	NA	NA	NA	NA	NA
Average	0,13	0,50	0,47	0,16	0,04	0,07	0,20	0,18	0,09	0,02	0,04	0,22	0,21	0,05	0,01	0,03	0,13	0,14	0,02	0,01
Median	0,08	0,41	0,40	0,14	0,01	0,03	0,17	0,15	0,05	0,01	0,04	0,24	0,25	0,06	0,01	0,01	0,16	0,17	0,01	0,00
Minimum	0,05	0,29	0,25	0,06	0,01	0,02	0,09	0,07	0,02	0,00	0,01	0,01	0,01	0,01	0,00	0,00	0,05	0,05	0,00	0,00
Maximum	0,32	0,88	0,88	0,36	0,11	0,21	0,39	0,39	0,25	0,07	0,10	0,44	0,44	0,09	0,02	0,07	0,19	0,19	0,06	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 3.4.3 Second instance courts: percentage variation in number of criminal cases between 2021 and 2022 (Q40)

Beneficiaries	Second instance Criminal cases: percentage variation between 2021 and 2022																			
	Total criminal 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 - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years	Pending - 1 Jan ref. year	Incoming	Resolved	Pending - 31 Dec ref. year	Pending - older than 2 years
Albania	28%	-3%	6%	14%	32%	28%	19%	37%	22%	15%	35%	-19%	-20%	21%	162%	23%	-14%	-2%	-13%	31%
Bosnia and Herzegovina	3%	-5%	-4%	-4%	-9%	3%	2%	4%	-3%	-11%	-4%	1%	1%	-11%	0%	8%	-10%	-9%	-4%	-7%
Montenegro	225%	11%	-1%	192%	NA	133%	23%	12%	125%	367%	-	3%	-9%	360%	NA	NAP	NAP	NAP	NAP	NAP
North Macedonia	-1%	7%	6%	2%	NA	5%	0%	-5%	27%	NA	-4%	13%	15%	-9%	NA	NAP	NAP	NAP	NAP	NAP
Serbia	2%	0%	1%	-4%	0%	-4%	3%	3%	-10%	-11%	5%	-2%	-1%	-2%	22%	-3%	1%	1%	13%	0%
Kosovo*	NA	NA	NA	NA	NA	2%	15%	1%	55%	NA	-83%	4%	-13%	508%	NA	NA	NA	NA	NA	NA
Average	51%	2%	2%	40%	7%	33%	9%	10%	32%	90%	8%	-1%	-3%	72%	61%	9%	-8%	-3%	-2%	8%
Median	3%	0%	1%	2%	0%	5%	3%	4%	22%	2%	0%	1%	-1%	-2%	22%	8%	-10%	-2%	-4%	0%
Minimum	-1%	-5%	-4%	-4%	-9%	-4%	0%	-5%	-10%	-11%	-4%	-19%	-20%	-11%	0%	-3%	-14%	-9%	-13%	-7%
Maximum	225%	11%	6%	192%	32%	133%	23%	37%	125%	367%	35%	13%	15%	360%	162%	23%	1%	1%	13%	31%

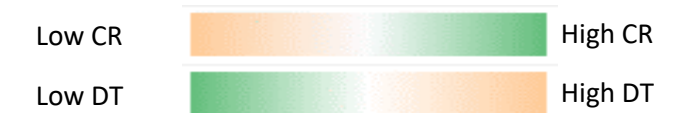
Lowest value  Highest value

* 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 3.4.4 Second instance criminal cases - Clearance rate, Disposition time and % of pending cases older than 2 years for criminal cases in 2022 (Q40)

Beneficiaries	Second instance Criminal cases in 2022											
	Total criminal 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	85%	531	30%	60%	1326	29%	45%	2645	46%	107%	127	22%
Bosnia and Herzegovina	101%	56	10%	101%	139	10%	101%	35	0%	100%	27	17%
Montenegro	83%	110	NA	82%	145	3%	85%	84	NA	NAP	NAP	NAP
North Macedonia	99%	129	NA	93%	128	NA	104%	129	NA	NAP	NAP	NAP
Serbia	100%	33	18%	101%	20	39%	100%	47	10%	100%	5	9%
Kosovo*	NA	NA	NA	87%	152	NA	91%	43	NA	NA	NA	NA
Average	94%	172	19%	87%	352	20%	87%	588	19%	102%	53	16%
Median	99%	110	18%	93%	139	19%	100%	84	10%	100%	27	17%
Minimum	83%	33	10%	60%	20	3%	45%	35	0%	100%	5	9%
Maximum	101%	531	30%	101%	1326	39%	104%	2645	46%	107%	127	22%



* This designation is without prejudice to positions on 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 3.4.5 Second instance criminal cases: Variation of Clearance rate, Disposition time, and of the percentage of pending cases older than 2 years between 2021 and 2022 (Q38)

Beneficiaries	Second instance Criminal cases: Variation of Clearance rate, Disposition time and of the percentage of pending cases older than 2 years between 2021 and 2022											
	Total criminal 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	7,5	7,6%	4,0	7,6	-10,9%	-1,7	-0,5	51,5%	24,7	13,1	-11,8%	7,4
Bosnia and Herzegovina	1,2	-0,9%	-0,5	2,4	-6,8%	-0,9	0,7	-11,9%	0,0	0,9	5,4%	-0,5
Montenegro	-9,9	194,9%	NA	-7,9	100,8%	1,5	-11,0	404,0%	NA	NAP	NAP	NAP
North Macedonia	-1,1	-4,3%	NA	-5,7	34,2%	NA	2,0	-21,1%	NA	NAP	NAP	NAP
Serbia	0,6	-5,0%	0,7	0,4	-13,1%	-0,2	0,8	-0,7%	1,8	-0,2	12,2%	-1,2
Kosovo*	NA	NA	NA	-12,28	53,6%	NA	-18,00	601,9%	NA	NA	NA	NA
Average	-0,3	38%	1,4	-0,6	21%	-0,3	-1,6	84%	8,8	4,6	2%	1,9
Median	0,6	-1%	0,7	0,4	-7%	-0,5	0,7	-1%	1,8	0,9	5%	-0,5
Minimum	-9,9	-5%	-0,5	-7,9	-13%	-1,7	-11,0	-21%	0,0	-0,2	-12%	-1,2
Maximum	7,5	195%	4,0	7,6	101%	1,5	2,0	404%	24,7	13,1	12%	7,4

* 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

3.5 Specific category cases

Table 3.5.1 Civil and commercial litigious cases and Litigious divorce cases in 2022 (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	377	2 272	NA	NA	NA	NA	273	1 139	NA	NA	NA
Bosnia and Herzegovina	19%	591	407	149	537	28%	8%	195	248	62	200	0%
Montenegro	32%	336	75	0	348	69%	6%	137	42	0	139	0%
North Macedonia	33%	180	132	243	NA	NA	11%	122	58	283	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	28%	371	722	131	-	-	8%	182	372	115	-	-
Median	32%	357	270	149	-	-	8%	166	153	62	-	-
Minimum	19%	180	75	0	-	-	6%	122	42	0	-	-
Maximum	33%	591	2 272	243	-	-	11%	273	1 139	283	-	-

* This designation is without prejudice to positions on 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 3.5.2 Specific category cases: Employment dismissal cases and Insolvency cases in 2022 (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	477	2 851	NA	NA	NA	NA	730	2 920	NA	NA	NA
Bosnia and Herzegovina	69%	457	893	115	587	13%	12%	521	99	11	476	33%
Montenegro	51%	318	65	0	335	0%	7%	240	7	0	240	2%
North Macedonia	43%	186	99	234	NA	NA	7%	231	47	78	NA	NA
Serbia	NA	NA	NA	NA	NA	NA	NA	689	33	NA	NA	66%
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	54%	360	977	116	-	-	9%	482	621	30	-	34%
Median	51%	388	496	115	-	-	7%	521	47	11	-	33%
Minimum	43%	186	65	0	-	-	7%	231	7	0	-	2%
Maximum	69%	477	2 851	234	-	-	12%	730	2 920	78	-	66%

* This designation is without prejudice to positions on 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 3.5.3 Specific category cases: Robbery cases and Intentional homicide cases in 2022 (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	165	1 338	NA	NA	NA	NA	350	174	NA	NA	NA
Bosnia and Herzegovina	46%	314	184	0	275	25%	52%	513	260	223	413	20,0%
Montenegro	61%	182	84	0	208	0%	71%	509	81	0	542	0,0%
North Macedonia	50%	173	79	100	NA	NA	86%	335	88	107	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	52%	209	421	33	-	-	70%	427	151	110	-	-
Median	50%	178	134	0	-	-	71%	430	131	107	-	-
Minimum	46%	165	79	0	-	-	52%	335	81	0	-	-
Maximum	61%	314	1 338	100	-	-	86%	513	260	223	-	-

* This designation is without prejudice to positions on 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 3.5.4 Specific category cases: Bribery cases and Trading in influence cases in 2022 (Q41)

Beneficiaries	Bribery cases						Trading in influence					
	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances	% of decision subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average length - total procedure (in days)	% of cases pending for more than 3 years for all instances
Albania	NA	316	100	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	38%	337	109	0	275	10%	88%	306	190	0	260	9%
Montenegro	100%	1 227	0	0	1 227	0%	0%	0	0	0	0	0%
North Macedonia	75%	235	NA	117	NA	NA	NA	130	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	71%	529	70	39	-	-	-	145	-	-	-	-
Median	75%	327	100	0	-	-	-	130	-	-	-	-
Minimum	38%	235	0	0	-	-	-	0	-	-	-	-
Maximum	100%	1 227	109	117	-	-	-	306	-	-	-	-

* This designation is without prejudice to positions on 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 3.5.5 Civil and commercial litigious cases and Litigious divorce cases: Variations between 2021 and 2022 (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	0,0	6,1%	-27,3%	-7,5%	-2,2%	1,00	-1,0	-2,5%	-7,8%	-66,5%	-2,4%	0,00
Montenegro	-7,0	44,2%	21,0%	NA	44,4%	3,00	2,0	5,4%	35,5%	NA	6,1%	0,00
North Macedonia	NA	NA	NA	NA	NA	NA	2,0	-3,9%	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	-	-	-	-	-	-	1,00	-0,4%	-	-	-	-
Median	-	-	-	-	-	-	2,00	-2,5%	-	-	-	-
Minimum	-	-	-	-	-	-	-1,00	-3,9%	-	-	-	-
Maximum	-	-	-	-	-	-	2,00	5,4%	-	-	-	-

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

Kosovo* is not included in the calculation of summary statistics

Table 3.5.6 Employment dismissal cases and Insolvency cases: Variations between 2021 and 2022 (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	12,0	-0,4%	-5,9%	-33,5%	-4,6%	-2,0	-3,0	-0,6%	65,0%	-76,6%	3,3%	2,0
Montenegro	-15,0	-19,5%	0,0%	NA	-19,9%	NA	2,0	8,6%	-68,2%	NA	7,1%	0,0
North Macedonia	-12,0	-10,1%	NA	NA	NA	NA	1,0	41,7%	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	-5,0	-10,0%	-	-	-	-	0,0	16,6%	-	-	-	-
Median	-12,0	-10,1%	-	-	-	-	1,0	8,6%	-	-	-	-
Minimum	-15,0	-19,5%	-	-	-	-	-3,0	-0,6%	-	-	-	-
Maximum	12,0	-0,4%	-	-	-	-	2,0	41,7%	-	-	-	-

* 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 3.5.7 Robbery cases and Intentional homicide cases: Variations between 2021 and 2022 (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	1,0	-15,6%	-10,2%	100,0%	-13,5%	0,0	-16,0	57,8%	22,1%	12,1%	45%	3,0
Montenegro	8,0	-25,1%	100,0%	NA	-19,1%	0,0	15,0	-12,2%	-21,4%	NA	-12%	0,0
North Macedonia	11,0	-28,5%	NA	NA	NA	NA	27,0	75,4%	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	6,7	-23,1%	-	-	-	-	8,7	40,3%	-	-	-	-
Median	8,0	-25,1%	-	-	-	-	15,0	57,8%	-	-	-	-
Minimum	1,0	-28,5%	-	-	-	-	-16,0	-12,2%	-	-	-	-
Maximum	11,0	-15,6%	-	-	-	-	27,0	75,4%	-	-	-	-

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

Kosovo* is not included in the calculation of summary statistics

Table 3.5.8 Bribery and Trading in influence cases: Variations between 2021 and 2022 (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	-3,0	-20,5%	-15,5%	NA	-14,1%	82,0	48,0	-49%	40%	NA	-50%	-4,0
Montenegro	100,0	7117,6%	NA	NA	7117,6%	0,0	0,0	-100%	NA	NA	-100%	0,0
North Macedonia	-13,0	3,1%	NA	NA	NA	NA	NA	-43%	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	28,0	2366,7%	-	-	-	-	-	-63,9%	-	-	-	-
Median	-3,0	3,1%	-	-	-	-	-	-48,8%	-	-	-	-
Minimum	-13,0	-20,5%	-	-	-	-	-	-100,0%	-	-	-	-
Maximum	100,0	7117,6%	-	-	-	-	-	-42,7%	-	-	-	-

* 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*

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

Table 3.7.1 Quality standards determined for the judicial system at the national level and specialised personnel entrusted with the implementation of these standards in 2022 (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	NA	NA
Kosovo*	No	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.

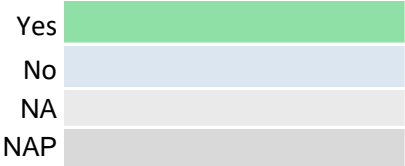

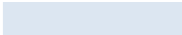
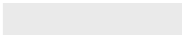
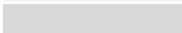


Table 3.7.2 Regular monitoring of courts' activities (performance and quality) at the court's level in 2022 (Q58)


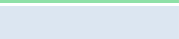

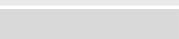
Beneficiaries	Regular monitoring of courts' activities (performance and quality) at the court's level concerning:													
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of judges and court staff	Satisfaction of court staff	Satisfaction of users (regarding the services delivered by the courts)	Costs of the judicial procedures	Number of appeals	Appeal ratio	Clearance rate	Disposition time	Other
Albania	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No	Yes	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No
Kosovo*	Yes	Yes	Yes	Yes	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 3.7.3 Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level in 2022 (Q59)



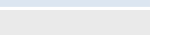

Beneficiaries	Regular monitoring of public prosecution activities (performance and quality) at the public prosecution service's level concerning:												
	Number of incoming cases	Length of proceedings (timeframes)	Number of resolved cases	Number of pending cases	Backlogs	Productivity of prosecutors and prosecution staff	Satisfaction of prosecution staff	Satisfaction of users (regarding the services delivered by the by the public prosecution)	Costs of the judicial procedures	Clearance rate	Disposition time	Percentage of convictions and acquittals	Other
Albania	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	No
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No
Serbia	Yes	No	Yes	Yes	Yes	Yes	No	No	No	Yes	No	Yes	No
Kosovo*	Yes	No	Yes	Yes	Yes	Yes	No	No	No	No	No	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 3.7.4 Evaluation of the performance at court level in 2022 (Q48, Q49, Q50,Q51 and Q56)


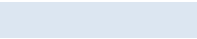
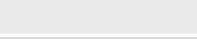

Beneficiaries	Existence of a system to regularly evaluate court performance based on the monitored indicators	Frequency of the performance evaluation			Evaluation of the court activity used for the later allocation of resources within a court	Action taken for the allocation of resources within the court 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	Yes	Yes	No	No	Yes	Yes	No	Yes	No	Yes	No	No	No	No	No
Bosnia and Herzegovina	Yes	Yes	No	No	No	No	No	No	No	Yes	No	No	No	No	Yes
Montenegro	Yes	No	No	Yes	No	No	No	No	No	Yes	No	No	Yes	No	No
North Macedonia	Yes	Yes	No	No	No	No	No	No	No	Yes	No	No	Yes	No	No
Serbia	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	No	No
Kosovo*	Yes	Yes	No	No	Yes	Yes	No	Yes	No	Yes	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 3.7.5 Evaluation of performance at public prosecution services level in 2022 (Q52, Q53, Q54, Q55 and Q57)

Beneficiaries	Existence of a system to regularly evaluate the performance of the public prosecution services based on the monitored 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 to the causes of improved or deteriorated performance	Reallocating resources (human/financial resources based on performance (treatment))	Reengineering of internal procedures to increase efficiency (treatment)	Other	Public prosecutorial Council	Ministry of Justice	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	External audit body	Other
Albania	Yes		Yes							Yes			Yes		
Bosnia and Herzegovina	Yes									Yes					
Montenegro	Yes									Yes					
North Macedonia	Yes									Yes					
Serbia	Yes	Yes			Yes		Yes						Yes		
Kosovo*	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 3.7.6 Monitoring the number of pending cases and cases not processed within a reasonable timeframe (backlogs) and the waiting time during judicial proceedings in 2022 (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 cases	Criminal cases	Administrative 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	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.


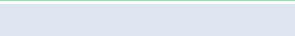
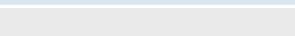
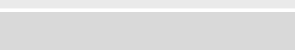
- Yes 
- No 
- NA 
- NAP 

Table 3.7.7 Possibility for courts and lawyers to conclude agreements on arrangements for processing cases in 2022 (Q61-1)

Beneficiaries	Possibility for courts and lawyers to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)
Albania	No
Bosnia and Herzegovina	Yes
Montenegro	No
North Macedonia	Yes
Serbia	Yes
Kosovo*	No

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

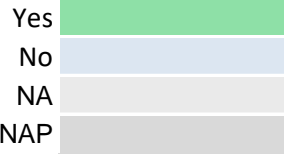


Table 3.7.8 Information regarding courts' activity in 2022 (Q62, Q63, Q66, Q67, Q68)

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			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:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Albania		High Judicial Council										
Bosnia and Herzegovina		High Judicial and Prosecutorial Council										
Montenegro		Secretariat of the Judicial Council										
North Macedonia		Judicial Council										
Serbia		Supreme Court of Cassation										
Kosovo*		Kosovo Judicial Council										

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

Table 3.7.9 Information regarding public prosecution services' activity in 2022 (Q64, Q65, Q69, Q70 and Q71)

Beneficiaries	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			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:		
	Existence	Responsible institution	Yes, on internet	No, only internally (in an intranet website)	No		Internet	Intranet (internal) website	Paper distribution	Annual	Less frequent	More frequent
Albania	Yes	General Prosecution Office	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
Bosnia and Herzegovina	Yes	High Judicial and Prosecutorial Council	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
Montenegro	Yes	Secretariat of the Prosecutorial Council	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
North Macedonia	Yes	Public Prosecution Office of the Republic of North Macedonia	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
Serbia	Yes	Republic Public Prosecution Office	Yes	No	No	Yes	Yes	No	Yes	Yes	No	No
Kosovo*	Yes	Kosovo Prosecutorial Council	Yes	No	No	Yes	Yes	No	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.


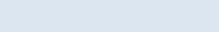
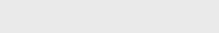

Yes 
 No 
 NA 
 NAP 

Table 3.7.10 Performance and evaluation of judges in 2022 (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	Reflected in the individual assessment	Other	No consequences		Executive power	Legislative power	Judicial power	President of the court	Other	Annual	Less frequent	More frequent
Albania	Yes			Yes					Yes			Yes							Yes		
Bosnia and Herzegovina	Yes			Yes						Yes		Yes					Yes				
Montenegro	Yes	Yes		Yes				Yes				Yes							Yes		
North Macedonia	Yes			Yes				Yes				Yes							Yes		
Serbia	Yes			Yes						Yes		Yes							Yes		
Kosovo*	Yes			Yes			Yes	Yes	Yes	Yes		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.

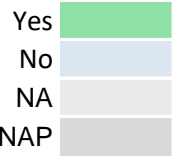


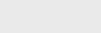



Table 3.7.11 Performance and evaluation of public prosecutors in 2022 (Q78, Q79, Q79-1, Q80, Q80-1 and Q81)

Beneficiaries	Existence of quantitative performance targets defined for each public prosecutor	Body responsible for setting the individual targets for each public prosecutor					Consequences for a prosecutor if quantitative targets are not met						Existence of a system of qualitative individual assessment of the public prosecutors' work	Body responsible for setting the criteria for qualitative assessment of the public prosecutors' work					Frequency of this assessment		
		Executive power	Prosecutor General /State public prosecutor	Public prosecutorial Council	Head of the organisational unit or hierarchical superior public prosecutor	Other	Warning by head of prosecution	Disciplinary procedure	Temporary salary reduction	Reflected in the individual assessment	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 

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3.8 IT, Electronic case management system and court activity statistics

Table 3.8.1 IT Strategy and Case management system in 2022 (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	Yes	Yes	No	No	No	Yes	No	Yes
Bosnia and Herzegovina	No	Yes	No	No	No	No	Yes	Yes
Montenegro	Yes	Yes	No	No	No	Yes	No	Yes
North Macedonia	Yes	Yes	No	No	No	Yes	No	Yes
Serbia	Yes	Yes	No	No	No	Yes	No	Yes
Kosovo*	No	Yes	No	No	Yes	No	No	No

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


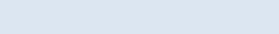
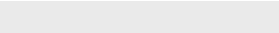
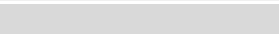

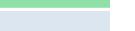
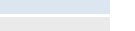
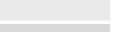
- Yes 
- No 
- NA 
- NAP 

Table 3.8.2 CMS Index in 2022 (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				0,0				0,0	Not connected at all	Not connected at all	Not connected at all	0,0	6,0
Bosnia and Herzegovina	100%	100%	100%	4,0	Not accessible at all	Not accessible at all	Accessible to parties	0,0				1,0				1,0	Fully integrated including BI	Fully integrated including BI	Fully integrated including BI	3,0	9,0
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	Accessible to parties	Accessible to parties	Both	1,7				0,3				0,7	Fully integrated including BI	Fully integrated including BI	Not connected at all	2,0	8,7
Kosovo*	100%	100%	100%	3,6	Both	Both	Both	2,0				1,0				1,0	Integrated	Integrated	Integrated	2,5	10,1

Both = Accessible to parties
Publication of decision online





Yes	
No	
NA	
NAP	

The Case Management System (CMS) Index is an index ranging from 0 to 12 points. It is calculated based on five questions on the features and deployment rate of the CMS of the courts of the respective beneficiary. The methodology for calculation provides one index point for each of the five questions for each case matter. The points regarding the four questions on the features of the CMS (status of cases online; centralised or interoperable database; early warning signals; status of integration with a statistical tool) are summarized while 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. This methodology provides an adequate evaluation.

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Table 3.8.3 Centralised national database of court decisions in 2022 (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												
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												
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												
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												
Serbia		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												
Kosovo*		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 
 No 
 NA 
 NAP 

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Indicator 3 - Efficiency and productivity

by country

Question 35. First instance courts: number of other than criminal cases.

Question 38. First instance courts: number of criminal cases.

Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.

Question 40. Second instance courts (appeal): Number of criminal cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

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 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

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 on the monitored indicators of question 59?

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 within this public prosecution service?

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 possible):

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

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 functioning of the public prosecution services?

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

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and 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:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and 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:

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75. Who is responsible for setting these 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 decisions in a month or year)?

Question 79. Who is responsible for setting these 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 their management)

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? (Change of CMS or other main application)

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 (2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.

The number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.

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

Q039 (2022): The decrease in the number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the inequal distribution of cases between courts is another factor contributing to the problem.

As regards administrative cases, during 2022 the Administrative Appeal Court has functioned with 43% of judges.

Q040 (2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.

Long disposition time is due to the lack of judges and uneven distribution of workload.

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

Q041 (2022): In the present condition of the CMS system, we cannot calculate the exact average length of proceedings. We use the disposition time as a proxy.

Q042 (General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.

HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

Q042 (2019): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and 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. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

Q043 (General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”.

Q043 (2019): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”

Q058 (General Comment): High Judicial Council monitors the above-mentioned indicators, every six months, based on detailed reports of the courts. An annual report is produced each year.

High Inspector of Justice is the responsible body, which inspects citizens complains, for : procrastination of the process by the judges, unethical acts by judges..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan.

Q058 (2022): We can deduct the number of appeals and appeal ratio by the data that we gather but it is not an indicator directly reported by courts. Furthermore, it is not analyzed as part of a court functional indicator, it is used during the personal assessment of a judge. Regarding the "satisfaction of users", an online survey is being piloted in the First instance court of Tirana.

Q058 (2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:

- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";
- Decision no. 1/1 dated 20.02.2020 “On the addition of the thematic inspection object determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice”.

Q059 (General Comment): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan.

Q059 (2021): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan

Q059 (2019): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies realised from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

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.

Q048 (2021): 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.

Q049 (2022): The HJC has in place 2 different statistical reports: a yearly report based on CEPEJ methodology as well as a quarterly report. Both are analyzed by the statistic sector of the HJC. The decisions regarding human resources distribution, judges' appointments and transfers are based on these data.

Q053 (General Comment): Referring to article 19/1, of the Law no. 97/2016 "On the functioning and organising the prosecution in the Republic of Albania", as amended, the General Prosecutor publishes the annual report on the workload of the prosecutor's offices as well as recommendations for improving and increasing the effectiveness of their activity.

Q053 (2019): According to the Law "On the status of judges and prosecutors", as amended, the assessment process of the prosecutors is periodic. The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution office is evaluated at least once during his term of office. Whereas, the prosecutor acting as a member of the High Prosecutorial Council are assessed in accordance with the detailed rules adopted by the Council.

Q057 (2021): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council

Q057 (2019): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council.

Q061-1 (2022): the answer is N/A

Q062 (2022): High Judicial Council

Q062 (2020): The High Judicial Council, Rruga Ana Komnena, Tirana 1031, Albania.
Ministry of Justice, Zogu I Boulevard, Tirana, Albania.

Q062 (2019): High Judicial Council and Ministry of Justice

Q063 (2022): The statistical data concerning all courts are part fo the HJC annual report accessible here: <https://klgj.al/raporte-klgj/>
The individual statistical data for each court are also accessible in their annual report

Q063 (2019): <http://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

Q064 (General Comment): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ . The name and the address is: General Prosecution Office, Rr. “Qemal Stafa”, Nr.1, Tirana, Albania - www.pp.gov.al

Q064 (2022): General Prosecution Office. (St.Qemal Stafa No.1 Tirana, Albania, www.pp.gov.al)

Q064 (2019): http://www.pp.gov.al/web/Statistika_19_1.php

Q065 (2022): https://www.pp.gov.al/Dokumente/Raporte_te_Prokurorive_te_Rretheve_Gjyqesore/

Q065 (2019): http://www.pp.gov.al/web/apeli_tirane_raport_2017_1334.pdf

An example of the annual report of the Tirana Appeals Prosecution Office

Q066 (General Comment): The reports are intended for internal use and are composed of the statistical data (case flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

I. Introduction

II. Judicial Activity

1. The burden and type of litigation.

2. Trend of load with issues.

3. Resolving issues.

a. Criminal Matters

b. Criminal claim

c. Pre-trial criminal claim

d. Criminal-administrative claim

e. Civil matters

4. Charges for judges.

a. Delegations of judges

5. Control of decision-making by higher courts.

6. Speed in judgment.

7. Refuses to adjudicate cases.

8. Exclusions of judges from adjudication of cases.

III. Judicial Case Management

1. Monitoring the progress of issues.

2. Electronic system of management of court cases.

IV. Administrative management of the court

1. Organics and Human Resources.

2. Information technology.

3. Provision of services by the judicial administration.

4. Accessibility, transparency, public relations and the media.

5. Security and security issues in court.

6. Administration of public funds.

7. Relations with other institutions.

Its target its mainly the Councils, MoJ and other relevant institutions, however it can be disseminated to the public.

Q066 (2019): 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.
 7. Relations with other institutions.

Its target its mainly the Councils, MoJ and other relevant institutions, however it can be disseminated to the public.

Q067 (2019): Courts are required to submit periodic reports to HJC on workload of judges, backlog of cases, ethics, audio recording, etc

Q069 (General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Q069 (2021): According to Article 50, of the Law "On the organization and functioning of the prosecution in the 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 and the organigram; data on income and expenses, legal references, implementing the international obligations. Furthermore, in accordance with the Law nr. 97/2016, each prosecution office has the obligation to prepare an annual report on the prosecution activity, including the above mentioned activities. These reports are presented to the General Prosecutor Office

Q069 (2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Q070 (2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

Q070 (2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Q075 (2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council

Q075 (2019): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation

Q075-1 (2021): It is part of ethical and professional evaluation of judges. As such it influences the final score and therefore the career of the judge

Q075-1 (2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final score, therefore the career of the judge.

Q076 (General Comment): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

a) Judicial or prosecutorial professional capacity;

b) Organizational skills;

c) Ethics and commitment to judicial and prosecutorial professional values;

ç) Personal qualities and professional commitment. The evaluation of magistrates is based on the following sources:

a) Personal file of the magistrate;

b) Statistical data, according to the provisions contained in Article 90 of this Law;

c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;

ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;

d) The opinion of the chairperson;

dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;

e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;

ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;

f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;

g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate 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 evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

a) Evaluates the activity against the evaluation criteria;

b) Provides an analysis of the statistical data referring the magistrate's activities;

- c) Describes the steps taken for meeting the objectives set out in the previous evaluation;
- ç) Describes the extent to which these objectives have been met providing the respective explanation;
- d) Defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period. Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

Q076 (2019): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
- gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate 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 evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

- a) Evaluates the activity against the evaluation criteria;
- b) Provides an analysis of the statistical data referring the magistrate's activities;
- c) Describes the steps taken for meeting the objectives set out in the previous evaluation;
- ç) Describes the extent to which these objectives have been met providing the respective explanation;
- d) Defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period.

Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

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 (2022): 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", as amended, and Regulation "On the ethical and professional assessment of prosecutors", approved by Decision no. 95, dated 09.05.2022, of High Prosecutorial Council

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".

Q081 (2019): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate 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 evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

a) Evaluates the activity against the evaluation criteria;

b) Provides an analysis of the statistical data referring the magistrate's activities;

c) Describes the steps taken for meeting the objectives set out in the previous evaluation;

ç) Describes the extent to which these objectives have been met providing the respective explanation;

d) Defines the objectives for his/her professional development in the upcoming evaluation period;

dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period.

Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

Q082-0 (2022): The HJC has approved a strategic 2 year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

Q082 (2022): Regarding the option "centralized or interoperable database" the answer changed from "yes" to "no", because during 2022, due to cyber-attacks in Albania, some institutions such as the Civil Status Office and the National Business Center have disconnected interoperability with the case management system.

The status of integration with statistical tool changed from "integrated" to "not connected" because HJC has approved new statistical formats which have not yet been integrated with the case management system. These integrations are expected to end with the finalization of the new judicial map.

Q082-1 (2022): THE ARKIT system has been used since 2002, and the ICMIS system has been used since 2007.

Q082-2 (2022): Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);

Phase 1 (case handling, statistics, decisions);

Phase 2 (e-filing etc. for criminal cases);

Phase 3 (e-filing etc. for civil and admin. cases);

Legislation;

System support, operation and maintenance;

Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitisation of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

Q082-2 (2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on the necessity to develop a new system. Because of the substantive financial efforts it requires, in 2020 HJC commissioned a total of 84 upgrades to the system which functionalities have improved since, 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 publishes its decisions without anonymizing the data

Q085 (2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are 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 Former Serious Crimes Court.

Q085 (2019): the website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

Bosnia and Herzegovina

Q035 (General Comment): The second instance courts of general jurisdiction have subject matter over the first instance administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include data on the caseload of second instance courts regarding the first instance administrative law cases.

Q035 (2022): There has been a significant decrease in the influx of first instance civil and commercial litigious 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 was smaller than the number of new first instance civil and commercial litigious cases received in 2019 and 2018. This trend continued in 2022., except that one of the biggest first-instance courts received a large number of relatively simple litigious small claims cases, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction, leading to the increase in the number of pending cases even though most of the courts surpassed the 100% clearance rate in the reference year. The number of pending cases that are more than two years old has decreased significantly, due to this report covering 2020, in which courts received a smaller number of cases because of the Covid-19 restrictions. Finally, it is important to note that the majority of the pending civil and commercial litigious cases older than two years are litigious small claims cases related to the unpaid utility bills.

The decreased number of incoming non-litigious cases was filed in the courts in 2022 in comparison to 2021. 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 the previous years, 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 2021 and the beginning of 2022. Namely, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed one of the courts to correct technical mistakes made in the case management system about the registration of non-litigious enforcement cases the public companies had initiated with the courts previously for unpaid utility bills. The court increased the number of pending cases by implementing the instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The overwhelming majority of the administrative law cases are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Several courts saw an increase in the influx of administrative cases during 2022, resulting in a surge in the number of pending cases at the end of the year; in addition, the number of pending administrative cases in some of the largest courts has escalated as some of the judges specialized in administrative cases were absent due to sick leave or they were retired during the year.

Q035 (2021): There has been a significant decrease in the influx of first instance civil and commercial litigious 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 the registration of non-litigious enforcement cases the public companies had initiated with the courts previously for unpaid utility bills. The courts increased the number of pending cases by implementing the instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The overwhelming majority of the administrative law cases are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. The courts reduced significantly the number of administrative law cases in the reference year. However, the number of pending administrative law cases older than 2 years increased in 2021. Primarily, it is a consequence of the fact that one of the courts could not achieve the 100% clearance rate in the reference year, because it received a disproportionate number of the new administrative law cases in 2021.

Q035 (2020): In 2020, Covid- 19 restrictions affected particularly the functioning of courts dealing with first instance cases, namely the numbers of incoming and resolved cases were reduced for all case types within the category of “other than criminal” first instance cases. However, the courts generally managed to achieve the clearance rate over 100% for the following case types within the first instance cases: commercial and civil litigious cases, general non-litigious cases, non-litigious business registry cases, and other registry cases. Nevertheless, the total number of pending “other than criminal” first instance cases increased due mostly because of the courts did not achieve the 100% clearance rate for the non-litigious land registry cases. Several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in 2020 within the project aiming to achieve harmonization between land register and cadastre data. Non-judge court staff deal with a substantial part of the caseload in terms of registry cases and land registry matters. Majority of the pending civil and commercial litigious cases and general non-litigious cases older than 2 years were cases related to the unpaid utility bills divided into two groups: the litigious small claims cases and the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Bulk of the pending administrative law cases older than 2 years are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. An additional information on the inconsistency for general non-litigious pending cases between end of 2019 and beginning 2020: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed three courts to correct technical mistakes made in the case management system about the registration of non-litigious enforcement cases the public broadcasting companies had initiated with the courts previously for unpaid television subscription; by implementing the instructions the courts increased the number of pending cases.

Q035 (2019): There has been a significant decrease in the influx of civil and commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of incoming non-litigious cases (i.e. non-litigious enforcement cases for unpaid utility bills, registry cases, land registry cases) was registered in 2019 as opposed to the increase in 2017 and 2018; in such conditions the several biggest courts in Bosnia and Herzegovina reduced the backlog. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. A substantial part of the registry and land registry matters is dealt with by non-judge staff in the court registries.

When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: Most of the pending civil and commercial litigious cases, i.e. cases older than 2 years from the date the case came to the first instance court, are litigious small claims cases related to the unpaid utility bills. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Most of the administrative law cases, i.e. cases older than 2 years from the date the case came to the first instance court, are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. The number of pending civil, commercial and administrative cases older than 2 years was reduced in 2019 compared to 2018 due to the consistent implementation of the principle to deal with pending cases chronologically within the courts’ backlog reduction plans.

Q038 (General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures.

Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences: traffic offences, violations of public order, begging etc.

Q038 (2022): There has been a significant decrease in the influx of first instance severe criminal 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 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. Statistics on first-instance criminal cases in 2022 indicate that the situation in the courts is, basically, consistent with the parameters from 2021.

Unlike previous years, the number of incoming cases decreased in 2022. Consequently, the number of pending cases in the first instance decreased at the end of 2022. The reduction in the influx of cases was recorded, predominantly, in the largest courts. This is not a consequence of legislative changes. It remains to be seen whether such indicators will continue to be achieved in the coming period.

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, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

Q038 (2021): There has been a significant decrease in the influx of first instance severe criminal 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 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, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

Q038 (2020): Specific comments for 2020:

There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which 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.

Q038 (2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and for the enforcement of pronounced penalties.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to the increase of the incoming misdemeanor and other cases in 2019 the courts did not achieve 100% clearance rate causing the increase of the number of pending cases at the end of 2019. The increase of the incoming cases was mostly the result of a more strict approach of the law enforcement institutions with regards to the punishing traffic offences. Also, it is important to note that although the increase of pending misdemeanor cases between 2018 and 2019 is high in relative terms, it is not as significant in absolute numbers.

Q039 (2022): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 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. This trend continued in 2022. However, one of the second-instance courts received a large number of simple cases, which were resolved during the same year, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction. Furthermore, 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 2022. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. When it comes to administrative court cases, the number of pending cases has been further reduced in 2022, confirming indicators from 2021.

Q039 (2021): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 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 decisions of the election commission unlike in 2020.

In general, the courts maintained the trend from 2020 and previous years to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q039 (2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2020 local elections. The courts maintained the trend from 2019 to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q039 (2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending civil, commercial and administrative cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Q040 (General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures.

Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences are: traffic offences, violations of public order, begging etc.

Q040 (2022): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease 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 and 2022.

Q040 (2021): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease 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.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2021 mostly due to the measures which continued to be implemented against the spread of Covid-19 virus in the reference year (e.g. number of persons in the court rooms was restricted). However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Q040 (2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2020 mostly due to the measures implemented against the spread of Covid-19 virus. However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Note regarding 2019 data: During the analysis of data for 2020, a technical error was discovered in the Business Intelligence System. In 2019, the error caused that certain number of incoming and pending criminal cases could not be identified as severe criminal cases; instead, the Business Intelligence System included incorrectly those cases in the other cases category. The correct data for 2019 have been prepared in order to replace the previously included data for that year.

Q040 (2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.

There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanor cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

Q041 (General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.

Average total length of the total procedure:

The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second instance employment dismissal case is resolved in 120 days from its lodging with the second instance court, and third instance employment dismissal case was resolved in 120 days. The average length of the total procedure employment dismissal cases is calculated as follows: $100+120+120/3=113,3$ days.)

Q041 (2022): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2021. 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.

The average duration of second-instance litigation and economic resolved cases decreased significantly due to the increase in the number of resolved cases in the largest courts of second instance in Bosnia and Herzegovina.

As in previous years, as far as other types of court cases are concerned 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2021): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Finally, it appears that the increase in the length of proceedings in the first instance court cases resolved in 2021 originated from the smaller number of disposed cases in 2020, following the Covid- 19 restrictions regarding the functioning of the courts.

Q041 (2020): Civil and commercial litigious cases:

Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):

There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Q041 (2019): Civil and commercial litigious cases:

The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts through temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

There is no particular explanation of the variations for other cases between 2018 and 2019. 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).

Q042 (General Comment): In December 2020, the High Judicial and Prosecutorial Council of 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.

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 prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

Q042 (2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

According to the criteria, the chief prosecutors evaluate yearly prosecutors in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan, and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

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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 prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

Q042 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Q043 (General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders. They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of the prosecutors' offices and courts.

Q043 (2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Q058 (General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q058 (2019): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q059 (General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q059 (2019): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q048 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the criteria for the performance evaluation of judges in December 2020. A judge in Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

- a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
- b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of court presidents in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota of the court, and the organization and management of the work of the court (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Q052 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted 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 the performance evaluation of chief prosecutors in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota and collective quality of decisions of the prosecutor's office, and the organization and management of the work of the prosecutor's office (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Q056 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents.

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

Q056 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior hierarchical court president appraise regularly the work of the lower instance court presidents.

Q057 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of 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.

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

Q057 (2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.

Q057 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief prosecutor appraise regularly the work of the lower instance chief prosecutors.

Q060 (General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

Q060 (2019): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

Q061 (General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

Q061 (2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

Q061-1 (General Comment): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties. When deferring or postponing the main hearing in civil proceedings, the court will determine the date of the new hearing, as a rule, with prior consultations with the parties. During the preparation for the main trial in criminal proceedings, the judge or presiding judge may hold a hearing with the parties to the proceedings and the defence attorney to consider issues relevant to the main trial.

Q062 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

Q062 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

Q062 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

Q063 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of 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 each court.

Q063 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of 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 each court.

Q064 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

Q064 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

Q064 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor's offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

Q065 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

Q065 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

Q066 (General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Q066 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Q069 (General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

Q069 (2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

Q074 (General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of 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 court case within a given case category and its weight.

Q074 (2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.

Q075 (General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q075 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q075-1 (General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

Q076 (General Comment): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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.

Q076 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of judges.

Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria: a) Consistency of the introduction, enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;

b) The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;

c) Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;

d) Communication with parties, other authorities and relationship with associates;

e) Quality in conducting procedures with particular consideration for:

The ability to solve complex cases;

Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of evidence; Conducting procedures in accordance with the principles of efficiency and economy, avoidance of undue postponing and adjourning of hearings and by taking legal measures to ensure the presence of the accused, litigants, witnesses and expert witnesses, measures to prevent any abuse of the procedural rights of the parties and other participants, adherence to legal deadlines in scheduling hearings/trials, and taking legal measures, which must be reflected in the minutes of the hearings, to finalize disputes through court settlement;

Promptness in drafting and dispatching court decisions;

f) Willingness to assume additional work in connection with the performance of judicial duties especially mentoring, contributing to the work of the court or court department (participation in preparing the court bulletin and similar activities), cooperation with training and advanced training efforts (including publication of law papers or books, educational activities), international cooperation and cooperation involving legislative procedures (participation in working groups tasked with drafting of laws and other regulations), as well as other judicial activities, specialist and postgraduate studies.

Q076-1 (2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:
a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

Q078 (General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight.

Q078 (2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight

Q079 (General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

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

Q079 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Q079-1 (General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

Q080 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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 number of decisions rendered by a chief prosecutor, during that time, approving complaints lodged against those orders.

Q080 (2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable 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.

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

Q081 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.

Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The analytical evaluation is evaluated based on the following elements:

- a) Fulfilment of statutory requirements in prosecutorial decisions;
- b) Ability to establish decisive facts for making prosecutorial decisions;
- c) Ability to handle complex cases;
- d) Expedience in rendering decisions and compliance with statutory deadlines;
- e) Ability to organize and efficiently conduct investigations in a proactive manner;
- f) Professional quality of decision, demonstrated legal knowledge and use of legal remedies

Q082-0 (2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has formed a working group for drafting a medium-term strategy for the development and implementation of information technologies in the judiciary.

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 preconditions for drafting a new strategy.

Q082 (2022): Correction of technical mistake: The reply from the previous reporting cycles regarding the status of criminal case online should be changed from "Accessible to parties" to "Not accessible at all".

Q082-1 (2022): Currently there are two running versions of the Case Management System in the judicial system of Bosnia and Herzegovina: -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.

Q082-1 (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.

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 (2022): The new version of the Case Management System (version 3.0) will be tested in several courts and prosecutors' offices during 2023. It is based on new WEB technologies. The full-scale implementation of the new version of the Case Management System will take place in 2024.

Q082-2 (2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and Herzegovina, will be implemented during 2021.

Q085 (2021): Central database of court decisions is developed and maintained by HJPC's Judicial Documentation 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, but also the related court decisions, anonymised as well. This database will enable judges to get acquainted with the relevant legal positions and compare those with their cases when rendering new decisions. E-Sentence database was launched in November 2021, and will be publically available as of 1 February 2022, also free of charge. With all this, the HJPC is making an effort to ensure greater transparency and facilitate access to court decisions, as well as to enable judges and prosecutors in BiH to be more consistent in their decision-making and thus ensure a more harmonised case law.

Q085 (2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECtHR Network). Through the same project, HJPC initiated development of the database with court stances in cooperation with highest courts (E-sentence). This database will enable highest courts to record their case law in line with pre-defined descriptors (legal terms). Besides, this database should enable identification of diverse case law between highest court, and move forward the process of harmonisation of the case law at the state level (Case law harmonisation panels). Note for Data anonymised: there was a technical mistake in the previous reporting cycle, in order to correct this the reply "No" should be changed to "Yes" for 2019.

Q085 (2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from database are also aligned with decisions of the Constitutional Court of BiH. The alignment of this database with ECHR case law is not in place. Various detailed reports on ECHR case law is available through JDC web site , and is subject of improvement through IPA 2017 (information from European highest courts with ECtHR Network).

Montenegro

Q035 (2022): comments as in sections.

The significant increase of administrative cases is predominantly generated due to the high number of initiated cases before the Administrative Court against the decisions of the public authorities. This is also related to the application of the Law on Free Access to Information and there have been high number of requests towards the authorities (institutions) for free access to information which ended by decisions against which the complaints are not allowed or there have been requests which remained unanswered, the institution did not decide on request or complaint in the administrative procedure. According to the Law on Administrative dispute, such or similar situations provide legal basis that administrative dispute may be initiated, which means a law suit to the Administrative court may be filed. In practice, many law suits were initiated by different subjects such as civil society organizations dealing with promotion of the right to free access to information, citizens or legal persons.

Q035 (2021): Compared to last year, the number of cases received is higher, and the number of resolved cases is 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 of scheduled hearings. In the reporting year, the termination of judicial office for 54 judges was stated, as follows: -25 on personal request, -1 due to the death of a judge, -6 due to the acquisition of conditions for old-age pension, and -22 by force of the Constitution.

Q035 (2020): Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories

2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R) "2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U) "4. Other cases":

Execution cases (I)

Clarification on discrepancies: Total of other than criminal law cases (1+2+3+4) for incoming cases - Lower inflow of cases in courts

Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) - Lower inflow of cases in courts

Non litigious cases (2.1+2.2+2.3) for resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other non-litigious cases for incoming and resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other cases – for pending cases on jan. 1 RY and resolved cases - In 2020, there was a lower number of unresolved cases at the beginning of the year, compared to the previous one. As for resolved cases, there was a lower inflow of cases, and therefore a lower number of resolved cases.

Q035 (2019): "Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R)

"2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U)

"4. Other cases":

Execution cases (I)

Q038 (2022): Higher inflow (number of received cases by misdemeanour courts due to the fact in practice that the subject with jurisdiction of issuing misdemeanour orders (fines) were using the legal possibility to initiate misdemeanour proceedings before the courts instead. That led to higher inflow of cases which reflected to the number of unresolved cases. This was mainly the issue related to the slowdown of public procurance system (major cyber attacks etc.) in the refence year and a lack of relevant forms for issuing misdemeanour orders (fines).

Q038 (2020): 1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)

- Special criminal cases (Ks)

- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

Q038 (2019): "1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Q039 (2022): higher inflow of cases in 2022

Q039 (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.

Q039 (2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases

1. Civil (and commercial) litigious cases - High and Appellate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))
- 2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))
- 2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))
3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)
4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Clarification on discrepancies:

Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on 01.01, the inflow of cases in the reporting year also decreased, thus, the number of unresolved cases decreased on 31.12.2020. year.

Q039 (2019): "Total of other than criminal law cases (1+2+3+4)":

High and Appellate court

- Civil appeals (Gž and Pž)

Q040 (2022): During 2021 the High Court in Podgorica operated with 6 judges less. In the same year there were no new appointments to fill the missing judicial positions in the court. That affected the efficiency of the court, which is the one with the highest number of criminal cases in the second instance.

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

Q040 (2020): 1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:

Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year

In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year.

Q040 (2019): "1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases":

High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Q041 (2021): The duration of proceedings related to Intentional homicide cases has been increased due to resolved 2018 cases.

The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals related to Employment dismissal cases has increased.

Q041 (2020): Clarification of discrepancies:

Employment dismissal cases in column % of decisions subject to appeal

In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal

In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.

There are some variations between data of length of proceedings in 2019 and in 2020 which have not been 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 first instance and decrease in second instance for civil and commercial cases).

Q041 (2019): Note regarding the category "Litigious divorce case", criteria "% of cases pending for more than 3 years for all instances": precise percentage is 0,1% but it has been rounded to 0%.

Where necessary the data has been rounded (no decimals).

Q042 (General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage 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, such case shall not be included in the revoked decisions."

Q042 (2019): Rules for the evaluation of judges and presidents of courts, article 11

<http://sudovi.me/files/L3Nkc3YvZG9jLzIzNjEucGRm=>

"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."

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.

Q049 (2019): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

Q052 (General Comment): Average measure of prosecutor activity (As prescribed by the Rules for the evaluation of 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 work of that type of subject, and if it is less than 80%, he does not satisfy the grade according to that indicator. If the state prosecutor did not have a certain type of case in his work, he will not be evaluated in that type of case. Article 9 The quality of work is assessed on the basis of confirmed indictments, convictions and appeals. A state prosecutor who has 80% or more confirmed indictments in relation to the total number of indictments in which a decision was made in the same period satisfies, and a state prosecutor who has less than 20% confirmed indictments in relation to the total number of indictments does not satisfy.

The state prosecutor who has 70% or more convictions in relation to the total number of convictions passed in the same period satisfies, and the state prosecutor who had less than 30% of convictions in relation to the total number of convictions in the same period, does not satisfy. The state prosecutor who has 30% or more of accepted appeals in relation to the total number of appeals filed against acquittals and convictions which were revoked on those appeals of the state prosecutor in the same period satisfies, and the state prosecutor who has less than 30% of accepted appeals in relation to the total number of appeals against acquittals and convictions that were revoked on those appeals of the state prosecutor in the same period is not satisfactory.

Q053 (General Comment): Annual. through the Annual report of the work of Prosecutorial Council and State Prosecution Service

Q055 (2022): In accordance to the Law on State Prosecution Service, if the state prosecutor who was given the grade excellent is not promoted to a hierarchically higher state prosecutor's office within a year from getting the grade excellent, he/she shall be entitled to the salary in the same category as the salary of the head of the state prosecutor's office on the level where he/she discharges his duties.

Q060 (General Comment): Every court president can monitor the backlog through the reports made for it 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

Q062 (2022): Secretariat of the Judicial Council, address: Miljana Vukova bb, Podgorica

Q064 (General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

Q064 (2022): Secretariat of the Prosecutorial Council; address: Oktobarske revolucije No. 78 81000 Podgorica

Q064 (2019): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

Q066 (General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.

Q066 (2019): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court

Q068 (General Comment): The president of the court is obliged to submit the report on the work of the court to the 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, as well as to monitor the application of regulations. These obligations are prescribed by the Law on courts.

Q069 (General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the status and trends of crime in the previous year.

Q069 (2019): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the status and trends of crime in the previous year.

Q070 (2022): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.

Q074 (General Comment): Ministry of Justice adopts the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.

Q075-1 (2022): According to the Law on Judicial Council, a disciplinary offence is if judge does not accomplish 50% of quantity of work in relation to the average quantity benchmarks in particular category of cases, unless a judge provides a reasonable justification on reasons not accomplishing results in terms of quantity of work. Quantity benchmarks are established by Judicial Council

Q076 (General Comment): The Law on the Judicial Council and judges prescribes criteria for appraisal of judges' work. 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 requests in the cases of the judge and the decisions on the control requests, as well as the data on the number of cases in which a judicial decision was not made within the statutory deadline; 5) Records obtained through control of work of the court; and 6) A report of the legal person authorized for training of judges.

Q079-1 (2022): As regards to quantity of work, the state prosecutor shall be evaluated "not satisfactory" if the results of work are more than 20% below average benchmarks for quantity of work in particular category of cases which are determined by Prosecutorial Council according to the size of subject prosecution office, and unless a prosecutors do not provide justified reasons for that.

Q080 (General Comment): The Prosecutorial Council adopts the Rules for evaluation of state prosecutors and heads 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 changed circumstances, ability to organize and coordinate employees in the state prosecutor's office, participation in various professional activities.

Q081 (General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council

Q081 (2019): "Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council."

Q082-0 (2022): <https://www.gov.me/dokumenta/7af1b58d-a6aa-4e62-8de2-75979dd42d0c>

Judicial Council remark: This plan's main activity is building the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin, "Informacioni Sistem Pravosuđa"). Due to the delays and problems with the company selected on the tender to build the system, we have decided to cancel the contract with them and search for other options. We were forced on this because they failed to deliver parts of the system and documentation on time, even after many prolongations and compromises from our side.

Q082-0 (2021): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 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 problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

Q082-0 (2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases 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 parts of the system and documentation on time.

Q082-2 (2021): The development of the system is in progress, the adoption of the software development phase is 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.

Q082-2 (2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.

North Macedonia

Q035 (2022): Category 1. In 2022 there were still Covid-19 effects on the proceedings before the courts. In the second part of the year, at 1-st of July 2022 started high number of retirements of the judges (see also new general comment to Q 104). Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to new condition for age retirement, the age of 64 years as a new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labor Relation law. Category 2.2.3. Other Registry cases are cases for registration of political parties.

Q035 (2021): 2.2.3. Other registry cases are cases for registration of political parties.

3. Probably, the number of the resolved administrative cases is decreasing in 2021 due to the implementation of the 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.

Q035 (2019): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Q038 (2022): Category 2. Please, see also the comment for Q 35. High number of judge retirements in 2022 caused by new compulsory age of retirement probably is the reason for higher number of unsolved cases. Also, in 2023 we are expecting more retirements of judges due to this reason.

Q038 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

Q038 (2020): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

Q038 (2019): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

Q039 (2022): Category 1 - In 2022 there was no reason for larger number of income cases as it was in 2021 (see explanation in previous cycle).

Q039 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

Q040 (2022): Category 1. In 2022, we still had some negative effects from Covid -19 virus on the proceedings before courts.

Q040 (2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

Q041 (2022): It must be emphasized that the data are collected manually from the ICT system in all courts within North Macedonia. After that, the data are calculated manually in the courts and in the Ministry of justice (Excel calculation). Some of data are only from one court (for example: 130 days at first instance - trading in influence cases). 2/27 from courts didn't answer correctly to the tables, so 2 courts are excluded from calculations. According to this, the collection of data for these questions is without guarantees for total accuracy.

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.

Q041 (2019): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Q042 (General Comment): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - 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 provides quality indicators. Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. 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, publishing and drafting the decisions, the duration of the court procedure; and - quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.

Q042 (2021): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - 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 provides quality indicators.

Q042 (2019): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council defines qualitative and quantitative criteria for work of the courts.

Within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring indicators for the justice sector performance . This Matrix beside others contains indicators for quality of justice.

Q043 (2021): The Judicial council has a role according to the laws and new adopted bylaws that allow easier 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 that are intended to support the Judicial Council in the proper implementation of bylaws.

- The new Law on the prosecution offices and amendments of the Law on the Public Prosecution Council from 2020 as well as new by-laws adopted in 2021 by the Public prosecutor of the Republic of North Macedonia and Public Prosecution Council allow better implementation of the standards.

Q043 (2019): Within the Judicial Council, there is staff responsible for defining qualitative and quantitative criteria, as well as following their implementation.

Q058 (General Comment): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

Other:1. Percentage of annulled decisions in relation to the total number of resolved cases(article 84 p.3-Law on Judicial Council) 2.Valuation according to the number of altered decisions made in relation to the total number of resolved cases(Article 87) Law on Judicial Council

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 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

Q058 (2021): Law on Judicial Council

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

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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

Q058 (2019): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

Q052 (2019): Please note that these type of indicators for the public prosecution office are already developed from the beginning of 2020. The first national report for evaluation of the performance of the public prosecution offices was published in February 2020 in the framework of the project financed by the British embassy. However, to reflect the situation for the reference year 2019 the answer should be "No".

Q057 (2019): Despite of the absence of the performance evaluation system based primarily on the defined indicators for the public prosecution services in 2019 (see the answer to the Q052), the performance of the public prosecution services was nevertheless evaluated on a regular basis.

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

Q060 (2019): Judicial Council on regular bases monitor backlog of cases.

Q061 (General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office 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 Council of Public Prosecutors of the Republic of North Macedonia. (5) The regulations on the internal operation of the public prosecutor's offices shall be adopted by the Chief Public Prosecutor of the Republic of North Macedonia.

Q061 (2019): Court president is obliged to monitor waiting time during court procedures.

Chief of the public prosecution office is obliged to monitor waiting time .

Q062 (General Comment): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

Q062 (2022): Judicial Council is responsible institution for collecting statistical data regarding the functioning of the courts. Certain statistical data are collected in the courts, the Supreme Court, Ministry of Justice and the State Statistical Office.

Q062 (2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office and the Ministry of justice.

Q062 (2019): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

Q063 (General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site:

www.stat.gov.mk

Q063 (2021): Judicial Council for its work and workload in the courts on the web site: <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: www.stat.gov.mk

Q063 (2019): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site:

www.stat.gov.mk

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

Q065 (2021): 1. Public Prosecutor's Office of the Republic of North Macedonia for its work and for the work of other 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/>

Q065 (2019): Public Prosecution Office publishes its reports on the web site.

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

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

Q067 (2019): Reports are available on the following web site: www.sud.mk

Q069 (General Comment): Reports are available on the following web site: www.jorm.gov.mk

Q069 (2021): Regular activity reports to: the Council of Public Prosecutors, Public Prosecutor's Office of the Republic 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

Q070 (2019): Reports are available on the following web site: www.jorm.gov.mk

Q074 (General Comment): The quantitative criteria for the performance of the judge are: - the scope of his work, 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 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: Up to 5% - 20 points, from 5% to 10% - 15 points, from 10% to 15% - 10 points, from 15% to 20% - 7 points, from 20% to 30% - 4 points, more than 30% - 0 points.

Q074 (2019): These targets are different according to the type of cases.

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

Q075 (2022): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

Q075 (2019): Judicial Council is responsible body for setting the targets for judges.

Q075-1 (General Comment): The evaluation system of judges according to our system is composed by two components qualitative and quantitative criteria. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade. If a judge is evaluated negatively in two consecutive evaluations, he/she may be dismissed on the basis of unprofessional and negligent performance of the function.

Q076 (2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, 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.

Q076 (2019): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, 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.

Q076-1 (General Comment): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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 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.

Link to the Methodology:

http://www.vsrn.mk/wps/wcm/connect/ssrm/c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47/%D0%9C%D0%95%D0%A2%D0%9E%D0%94%D0%9E%D0%9B%D0%9E%D0%93%D0%98%D0%88%D0%90+%D0%97%D0%90+%D0%9E%D0%A6%D0%95%D0%9D%D0%A3%D0%92%D0%90%D0%8A%D0%95+%D0%9D%D0%90+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%90%D0%A2%D0%90+%D0%9D%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%88%D0%90+%D0%92%D0%A0%D0%97+%D0%9E%D0%A1%D0%9D%D0%9E%D0%92%D0%90+%D0%9D%D0%90+%D0%98%D0%A1%D0%9F%D0%9E%D0%9B%D0%9D%D0%95%D0%A2%D0%9E%D0%A1%D0%A2+%D0%9D%D0%90+%D0%9A%D0%92%D0%90%D0%9B%D0%98%D0%A2%D0%90%D0%A2%D0%98%D0%92%D0%9D%D0%98%D0%A2%D0%95+%D0%9A%D0%A0%D0%98%D0%A2%D0%95%D0%A0%D0%98%D0%A3%D0%9C%D0%98+%D0%97%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%A1%D0%9A%D0%9E%D0%A2%D0%9E+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%95%D0%8A%D0%95.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8CC1J41L0B520APQFKICD0CR4-c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47-kZargVy

Q076-1 (2022): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

Q076-1 (2021): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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 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.

Q076-1 (2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Q080-1 (General Comment): Criteria for individual assessment of the public prosecutor's work are set in the Law on 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."

Q080-1 (2022): Criteria for individual assessment of the public prosecutor's work are set in the Law on 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. For more, please see the general comment.

Q080-1 (2020): Criteria for individual assessment of the public prosecutor's work are set in the new Law on Public Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA

Article 37

The evaluation criteria for the performance of public prosecutors shall be the following:

- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Q081 (General Comment): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.

The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.

If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.

The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.

The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public 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 evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.

The evaluation of the performance of the public prosecutor may be positive or negative.

Q081 (2022): 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. For more explanations please, see the general comment.

Q081 (2020): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

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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 evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.

The evaluation of the performance of the public prosecutor may be positive or negative.

Q081 (2019): THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

(1) The Public Prosecutor's Council shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.

(2) The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.

(3) The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the State.

(4) The evaluation referred to in paragraph (1) of this Article, shall be delivered to the Public Prosecutor's Council of the State.

Q082-0 (2022): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.

Digitization, digital transformation and the increasing development of information technology inevitably led to it being integrated in all the pores of the justice system, and especially in the last 2 years, through digital transformation in all courts and public prosecutor's offices by developing new web pages for the courts, with hardware and software for audio recording, system for audio visual recording, electronic issuance of documents, creation of web services, software development and case management, as well as platforms for two-way communication between the courts and the parties and access to the electronic file of the case.

Given that the strategy has a time period until 2024, it is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.

At this moment there is no new strategy and no new operational plan.

Q082 (2021): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Q082-2 (2022): During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.

According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:

1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.
 - upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;
 - a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.
2. Procurement and replacement of hardware equipment for the courts – 410 computers.
3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.
4. Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.
5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.
6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.

Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES

Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.

Availability of the service:

- Computer, laptop - view via browser
- Mobile devices (phone) – separate mobile application.

The service will provide the following subject data:

1. General data on the subject

- Received on date
- Filed on date
- Type of submission
- Submission tag
- Date of offense (for criminal cases only)
- Place of crime (for criminal cases only)
- Value of the dispute (for civil cases only)
- Basis of submission
- Judge
- Admitted to judge on date
- Date of Published decision on the subject - Date of Final decision on the subject - Date of Received appeal - Valid on date
- Executable on date
- Date of archiving

2. Features of the case

- Related subjects
- Reason for follow-up
- Date of merger
- Subject for/in which it is merged
- Archiving
- Received from another court due to lack of jurisdiction
- Number in another court received due to lack of jurisdiction
- Priority

Q082-2 (2021): PLANNED ACTIVITIES FOR DIGITALIZATION OF THE JUDICIARY

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

Introduction of a platform for issuing electronic documents (certificates, confirmations etc.) Software performance analysis

Software development

Amendments to the Court Rules of Procedure

Rulebook for using the platform

Establishment of a software solution for an electronic bulletin board (in accordance with the Law on Management of the movement of court cases)

Analysis of the performance that the software should provide

Software development

Functional electronic bulletin boards

Rulebook on the type and amount of compensation for notaries and enforcement agents

Introducing a software solution for a website of 34 courts

Analysis of the performances that the software should provide

Software development

Functional websites

Upgrading and improving of AKMIS

Analysis of the performance that the AKMIS system should have

Development of a specification for the performance of the AKMIS system

Upgrading / improving AKMIS

Installation of AKMIS in 34 courts, in the courtroom of the Academy for Judges and Public Prosecutors and the courtroom in the Idrizovo Penitentiary Institution

Introduction of procedures for security, confidentiality and protection of electronic data and documents that are exchanged

Development of rules and guidelines for security, confidentiality and protection

Strengthening of human resources – IT specialists

- analysis of needs by courts

- employment of IT specialists in courts

- administrative officers

- analysis of needs by courts

- employment of administrative clerks/officers in the courts

Initial and continuous training of professional staff

Training of administrative staff

Q082-2 (2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a completely new CMS.

Q083 (General Comment): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Serbia

Q035 (General Comment): Administrative cases are all cases before the Administrative Court (“U”-administrative disputes; “Ur” - various administrative cases; “Ui” - execution of Administrative Court judgement; “Uo”- postponement of enforcement before lodging a lawsuit; “Uv” - objection to the decision of a single judge; “Up” - repetition of administrative-judicial procedure; “Uvp I”, “Uvp II” – request for extraordinary review of court decision) “Uip” - judicial protection in the election procedure for members of national councils of national minorities; “Už” – appeals, “U-uz” - whistleblowers (new, in comparison to the 2016-2018 cycle).

Q035 (2022): 1.The lower number of incoming cases in 2022 is primarily explained by the decrease inflows in civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs bank loans), courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number of pending cases also increased.

2.1.The Supreme Court of Cassation paid special attention to the problem of pending backlog enforcement cases, since in the previous period they affected the efficiency of the courts. Exceptional results were achieved through the cooperation of the Supreme Court of Cassation, the High Court Council and the Ministry of Justice, with the additional help of the IPA 2012 Projects “Improving Judicial Efficiency in the Republic of Serbia”, “EU for Serbia – Support to the Supreme Court of Cassation” and “EU for Serbia – Support to the High Court Council”, in the period from 2016 to the end of 2022 in the reduction of pending backlog court cases, and especially pending backlog IV cases in basic courts.

2.3. In this group of cases, the number of cases related to the trial in within a reasonable time (the number of complaints filed under the Law on the Protection of Rights to trial within a reasonable time) was decreased. .

3. Administrative cases: There is no special explanation, the Administrative Court has more incoming cases and the same number of resolved cases as in previous few years.

Q035 (2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. 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 1st of January 2020, have drawn the lines between competencies of courts and enforcement agents in the enforcement and security proceedings, as well as boundaries between the courts themselves, disabling overlap or conduct of double enforcement proceedings. In enforcement cases involving shift in jurisdiction, amendments to the law provided in details duties of the creditors, enforcement agents, the courts, as well as the presidents of courts. The lack of exercising jurisdiction by the enforcement agents has been provided with sanctions, as well as with appropriate measures being prescribed for particular types of enforcement cases.

Following the adoption of the Amendments to the LoES, the Supreme Court of Cassation, jointly with the High Judicial Council and the Ministry of Justice, adopted new strategic document - Guidelines for the Implementation of Amendments to the Law on Enforcement and Security.

In 2021, 255,792 new enforcement cases were received, 514,833 were resolved and 66,610 cases remained unresolved.

Pending at the beginning Total incoming Total disposed Pending at the end

2017.	82,162	91,659	35,178	38,643
2018.	38,643	37,760	63,964	712,439
2019.	12,440	96,233	75,702	632,971
2020.	32,974	208,059	15,385	25,648
2021.	25,651	255,792	14,833	6,610

Table 20

Regarding the question at issue, it is correct that the number of incoming cases is higher in comparison to 2020. One reason for that could be found in decrease on number of cases because of circumstances caused by virus corona. On the other hand it should be born in mind that the courts kept their jurisdiction regarding certain categories of enforcement cases.

Competence for enforcement is regulated by Article 4 of the Law on Enforcement and Security.

The court is exclusively competent for the enforcement of acts that can be undertaken only by the enforcement debtor or through inaction (Articles 363, 364 and 366), return of the employee to work and enforcement of final decisions related to family relations, except for subsistence costs as provided by law.

Also, the court is exclusively competent for enforcement even when it is prescribed by a special law.

Public enforcement agents are exclusively competent for the execution of other enforcement documents, decisions on execution on the basis of an authentic document, decisions on the adoption of proposals for counter-enforcement and decisions on the execution of decisions on imposed court penalties.

.....

Public enforcement agents are exclusively competent for the enforcement of decisions which are prescribed by law to be enforced ex officio. The provisions of the law governing the collection of court fees shall accordingly apply to the enforcement procedure.

Q035 (2020): The category “non-litigious cases” includes enforcement cases. Since 2016 legislative and other measures have been taken in order to decrease the number of backlog enforcement cases (which is recognized as a systemic problem). In 2020 the number of backlog enforcement cases has been decreased significantly and it is reflected in total number of “non-litigious cases.” In accordance with the Law on Enforcement and Security all enforcement cases based on an authentic document (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 cases has been continuously increasing. In certain type of cases the Administrative Court has to decide urgently, like in electoral cases. Also, the work of this court was influenced by the circumstances caused by the virus and the fact that during 2020 parliamentary and local elections were held in Serbia and there were many electoral disputes which needed to be decided in short deadlines.

As regards “other cases”, from 2019 to 2020, there was a decrease in the number of incoming (-39%), resolved (- 39%), and pending cases (-46%). These cases relate to different kinds of citizens’ requests for verification of signatures, or requests for different certificates and probably circumstances caused by Covid, contributed to decrease of such requests of citizens.

Q035 (2019): The answer to question 35. 1. includes litigious cases in higher courts (P, P1, P2, P3, P4, P-uz and R), basic courts (P, P1, P2, P1-uz, Prr and Prr1), commercial courts (P, P2). For commercial courts, bankruptcy cases (St) as well as reorganization in bankruptcy cases (Reo) which were previous to 2016-2018 cycle displayed in 2.3. are included in 2.1, since a judge decides in these cases. Newly added cases in this row, from 2016-2018 cycle are those pursuant to the Law on Protection of Whistle-blowers (applicable from 04.06.2015) and litigious proceedings pursuant to lawsuits for compensation of pecuniary and non-pecuniary damage due to infringement of the right to trial within a reasonable time from higher courts (P-uz, Ppr-uz, Prr1), basic courts (P1-uz, Prr, Prr1) and misdemeanour courts (Pr-uz).

A major change in the number of other non-litigious cases and, consequently, the total number of cases, is a result of the implementation of the Law on Enforcement and Security from 1 July 2016 and the systemic measures defined in the special program for reduction of enforcement case backlog. Serbia has enabled a comprehensive disposition of enforcement case backlog. The Supreme Court of Cassation, the Ministry of Justice and the High Court Council have jointly drafted and adopted the Instructions for the implementation of the Law on Enforcement and Security.

Q038 (General Comment): The omission was made in 2019 when the number finalized cases before Misdemeanor Courts were not recorded in the proper manner. 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 jurisdiction of commercial courts as penal offenses (38.2). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. "severe/minor offences" (their qualifications may also be changed until enacting of the decision and determining the sentence).

3. Other criminal cases: Incoming and outgoing cases of international legal cooperation, letters rogatory in criminal matters; 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; 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); Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department); Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department); Domestic letters rogatory in criminal cases; Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department); Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department); Certificates - whether or not a natural or legal person is being prosecuted; Proposals of the prosecution and decisions of the pre-trial judge in relation to special measures for producing evidence; Register in which the proposals of the competent prosecutor's office for the extension of the emergency measure prescribed by the Law on Prevention of Domestic Violence are introduced; cases for which legal assistance is sought from another misdemeanour court are cases in which misdemeanour proceedings are conducted against juveniles; Execution according to the decisions of the misdemeanour court, according to the decisions of the administrative bodies, and the execution of the misdemeanour order.

Q038 (2022): All answers were provided by the competent institution (Supreme Court of Cassation)

Q038 (2021): The transition to a new case management system is the cause of uneven numbers. We will provide a 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)
- Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department)

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- Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department)
 - Register of the judge for execution of criminal sanctions: complaint, appeal, request for judicial protection, report of the judge for execution of criminal sanctions, notification, request, etc. submitted by convict, detainee, institute for execution of criminal sanctions, attorney and others.
 - Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department)
 - Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department)
 - Incoming international letters rogatory in criminal matters (through the competent authorities or directly, in the regular criminal department, the Department for Organized Crime, the Department for War Crimes, the Department for the Suppression of Corruption)
 - Domestic letters rogatory in criminal cases
 - Register of the Witness Assistance and Support Service: the requests of the judge with the list of witnesses etc. (Regular Criminal Department, Organized Crime Department, War Crimes Department)
 - External international letters rogatory in criminal cases sent directly to the competent court or other authority of a foreign state
 - Register in which the agreements concluded between the competent prosecutor's office and the accused are entered
 - Certificates - whether or not a natural or legal person is being prosecuted
 - Proposals of the prosecution and decisions of the pre-trial judge in relation to special measures for producing evidence
- Basic courts:
- Outgoing and incoming international letters rogatory, execution of criminal sentences
 - Register of Criminal Extrajudicial Chambers, register of pre-trial judges for various actions during the investigation, different cases during investigation, requests for permanent or temporary confiscation of property, requests for parole, Register of the Witness Assistance and Support Service, register in which the agreements concluded between the competent prosecutor's office and the accused namely the convicted person, Certificates - whether or not a natural or legal person is being prosecuted, decisions of the pre-trial judge in relation presence of the accused in order to provide due course of the criminal proceedings, register of the pre-trial judge on duty - Register in which the proposals of the competent prosecutor's office for the extension of the emergency measure prescribed by the Law on Prevention of Domestic Violence are introduced (Article 19 of the said Law)
- Misdemeanor courts:
- Cases for which legal assistance is sought from another misdemeanour court are cases in which misdemeanour proceedings are conducted against juveniles.
 - Execution according to the decisions of the misdemeanour court, according to the decisions of the administrative bodies, and the execution of the misdemeanour order.

Q038 (2019): The field 38.1 encompasses registries of high courts: (K, KIM, KM, K1, KI, Ki-Po1, Ki-Po2, KiPo3, K-Po1, K-Po2, Kpo3,Kpo4, SPK, SPK Po1, SPK Po2), Basic courts: (K, K1, Ki, Spk). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. “severe/minor offences” (their qualifications may also be changed until enacting of the decision and determining the sentence). Therefore, all first instance criminal cases of basic and higher courts are included (in higher courts - organized crime, war crimes, and high-tech crimes, according to urgency, etc.); investigations and investigative actions before basic and higher courts; preparatory proceedings and proceedings against minors; confession of criminal offenses and criminal cases without a main hearing.

Field 38. 2 encompasses the following cases: Commercial courts: Pk, Pki, Pkr, Misdemeanor courts: PR, PRM. In Commercial Courts, these cases relate to initiation of proceedings due to commercial offenses against natural and legal persons; preliminary procedure for commercial offenses; cases before misdemeanor courts: misdemeanors and misdemeanors perpetrated by minors.

Field 38. 3 encompasses the following cases: Enforcement and complaints as regards enforcement decisions misdemeanor cases; cases related to criminal and misdemeanor proceedings, handled by judges in courts but related to "cases as such" - ex. conditional release, pardons, cases of extradition of defendants and transfer of convicted persons, agreement on the testimony of a defendant and convicted person, legal aid cases between domestic courts in criminal matters, for assistance and support to victims and witnesses, enforcement of criminal sanctions up to one year, enforcement of criminal sanctions, enforcement of alternative sanctions, outgoing and incoming letters rogatory in the criminal matter.

The increase of the number of cases is primarily a result of the new category "other cases", which was previously (until 2018-2020 CEPEJ Cycle) mentioned only in the comments section. Additionally, new cases have been introduced in this cycle: K-Po4 I SPKPo 4, I SP k Po 3.

Q039 (General Comment): Courts deciding in the second instance (on appeal) in the "non-criminal" cases, as courts of general jurisdiction are: higher: upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings, and appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.

The court of special jurisdiction, which decides in the second instance (on appeal) in the "non-criminal" cases is the Commercial Appellate Court (appeals on decisions of commercial courts and other bodies). Excluded from the total number of cases in response to this question are cases on appeals in cases of commercial offences. No. 3 - There is no second instance in administrative disputes.

The answer to question 1. includes 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;

Concerning the category "other", cases in the proceedings for protection of right to a trial within a reasonable time have been transferred to 2.3.

Q039 (2022): 1. The lower number of incoming cases in second instance in 2022 is primarily explained by the decrease of incoming civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs bank loans), second instance courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number cases increased.

Q039 (2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in 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).

The ratio of incoming, disposed and pending cases in the period from 2017 to 2021 shows a continuously decreasing number of pending cases, a slight decrease in the number of disposed cases in 2020, and a sharp increase in 2021, by 401,843 more cases than in the previous year, as well as a variation in the number of incoming cases, with the largest escalation recorded in 2021, by 534,575 more cases compared to the previous year.

The increase in the number of incoming and disposed cases indicates excessive workload of judges and court staff, despite the systematic measures taken to reduce the number of backlog cases in courts.

Q039 (2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

Q039 (2019): Other cases include objections to provisional measures cases related to the media. Regarding discrepancies, repetitive cases in the appeal procedure continued to burden the appellate courts both in 2018 as well as in 2019, but the general appellate courts managed to clear these cases in 2018 and decrease the number of pending cases transferred to 2019, as well as to continue with this trend in 2019. Therefore, even though the number of incoming civil (and commercial) litigious cases increased in 2019, the number of resolved cases increased even more drastically (from 130 412 to 148 012 cases) and a particular improvement (decrease) is especially evident in the number of pending cases older than 2 years (a decrease from 3 374 to 1 389 cases). With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing of a large number of motions to that effect with all Serbian courts, including objections requesting acceleration of proceedings and claims for compensation for both tangible and intangible damage. The upward trend in new cases, first seen in 2015, continued into 2016, with a total of 35.815 such cases heard by all Serbian courts. Concerning the category "other", cases in the proceedings for protection of right to a trial within a reasonable time have been transferred to 2.3

Q040 (2022): All answers were provided by the competent authority

Q040 (2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. Register of appeal cases with regard to confiscation of property (including cases of organized crime), 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 transfer of cases to other courts.

Q040 (2019): The answer to field 1 includes the following categories: Before courts of appeal: criminal proceedings involving appeals on first instance and second instance verdicts and decisions (separated registers in second instance by special departments); criminal proceedings against minors involving appeals; Before higher courts: criminal proceedings involving appeals (small appeal).

2 includes the following categories: for the Commercial Court of Appeal (Pkž), and the Misdemeanor Court of Appeal (PRŽ, PRŽM, PRŽI, PRŽU). These are the second instance proceedings before the Commercial and the Misdemeanor Court of Appeal regarding cases of commercial and misdemeanor courts as defined in question 94.2.

Column "Pending cases older than 2 years from the date the case came to the second instance court" is marked as NA since the requested data is not in gathered (Criminal Procedure Code methodology differs).

In relation to the previous reporting period, the following changes have been made: Field 1 also shows new categories of cases in courts of appeal (ex. KŽ2-Po3-Spk).

Q94.2: in 2014, 9,879 additional cases were handled by the Misdemeanor Appellate Court in addition to ordinary work, due to transfer of jurisdiction on appeals to decisions of administrative bodies, from 1 March 2014. By 2016, these cases have been absorbed and handled by the system, but a backlog remains. Besides, unlike the previous cycle, "other cases" which relate to criminal (94.1)/misdemeanour (94.2) cases and which are not "cases per se" even if a judge is intervening, have not been taken into account (5 pending cases, 1,371 incoming cases, 1,366 resolved, 10 pending at the end of the year (ex. related to decisions on detaining accused, competence issues, etc.)).

This table includes the following case categories:

40.1 Severe criminal cases: 1) appellate court cases (Kž, Kž1, Kžm1, Kž1 Po1 Kž1 Po2, Kž1 Po3, Kž1 VP, Kž2, Kž2 Po1, Kž2 Po2, Kž2 Po3, Kž2 Vp, Kžm2, Kž3, Kž3 Po2, Kžm, Kž3 Po1, Kž1-Spk, Kž2-Spk, Kž1-Po1-Spk, Kž2-Po1-Spk, Kž2-Po3-Spk) 2) higher court cases (Kž, Kž1, Kž2)

40.2 Misdemeanour and / or minor criminal cases: 1) Commercial appellate court (Pkž), 2) Misdemeanour Appellate court (_PRŽ, PRŽM, PRŽI, PRŽU)

40.3 Other cases – 1) appellate court cases (Krm, Kr, Kr Po1, Kr Po2, Kr Po3, Kr Vp, Kž-uo, Kž-Poi, Kžm-r, Kž-r, Kž-Kre, Kžr-As, Kžmr-As, Kž-Toi, Kž-Po2-uo, Kž1-r-Po1, Kž-Po1-Poi, Kž-Po1-Toi, Kž-Po1-uo, Kž-Po2-Kre, Kž-Po1-Kre, Kž-r-Po3, Kžm-Uo) 2) higher court cases (Kv SIK, Npž); 2) Misdemeanour Appellate court (PSD)

In relation to the 2016-2018 reporting period, the following changes have been made: "Other cases" shows the appeals of the higher and appellate courts against the "other criminal cases" enumerated in Q 38, as well as the complaints about the extension of the domestic violence measure.

Q041 (General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used: pending / resolved * 365

Q041 (2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases.

Therefore the information requested in this table in most cases is not available.

These data are not automatically available. They refer to registers given within the question 35 (Civil (and commercial) litigious cases. Not all of these cases can be submitted to the third instance (extraordinary legal remedies) . The length of the proceedings is calculated for each instance according to CEPEJ Disposition Time formula and not an average length.

Q042 (General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".

The criterion for evaluating the quantity of judges' work is a monthly standard, and for judges who do not have a sufficient number of cases in the work, the number of cases solved from the total number of cases in the work.

The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

Q042 (2019): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

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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".

The criterion for evaluating the quantity of judges' work is a monthly standard, and for judges who do not have a sufficient number of cases in the work, the number of cases solved from the total number of cases in the work.

The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

Q058 (General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

The monitoring mechanism is set by the annual report of Supreme Court and the mechanism has not been changed in previous few years. One of the activities that are being monitored is the length of procedure. The annual report for 2022 can be found at following link, in Serbian: <https://www.vk.sud.rs/sr-lat/godi%25A1nji-izve%25A1taj-o-radu-sudova>

Q058 (2019): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

Q048 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts 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.

Q049 (2022): Six month and Annual report

Q049 (2021): According to the Court Rules of Procedure(Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 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 to draft independently and some other reports.

Q049 (2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure 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.

Q050 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

Q051 (General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

Q051 (2019): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

Q053 (General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents' performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust in the work of judges and courts, and career advancement.

Q056 (General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

Q056 (2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

Q057 (General Comment): RULEBOOK ON ADMINISTRATION IN PUBLIC PROSECUTIONS, Article 27

The Public Prosecutor's Office is obliged to prepare a report on the work of the Public Prosecutor's Office for the previous year by February 1 of the current year and submit it directly to the higher Public Prosecutor's Office.

The Republic Public Prosecutor determines the data to be entered in the report on the work of the Public Prosecutor's Office.

The report of the immediately higher public prosecutor's office also contains the reports of lower public prosecutor's offices.

Work reports are discussed at the Collegium, i.e. in the departments of the prosecution, before being submitted directly to the higher public prosecutor's office.

Q057 (2019): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

Q060 (General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction 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.

Q060 (2019): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection 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.

Q061 (General Comment): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings.

The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

Q061 (2019): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings.

The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

Q061-1 (General Comment): Under the Law on Civil Procedure, 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 time-frame 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 at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.

At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court 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 with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

Q062 (General Comment): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection 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 (2022): The Supreme Court of Cassation, Belgrade – 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, 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 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en>;

Q062 (2021): The Supreme Court of Cassation

Q062 (2020): The Supreme Court of Cassation

Q062 (2019): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en>; Statistical Office of the Republic of Serbia, Belgrade, Milan Rakic 5, <http://www.rjt.gov.rs/>; Functioning of the public prosecution: Republic Public Prosecutor Office, Belgrade, Nemanjina 22-26, <http://www.rjt.gov.rs/>.

Q063 (General Comment): - at the webpage of the Supreme Court of Cassation Annual and six month reports on work of all courts are published, also courts publish their annual individual statistical reports on their internet presentations.

Q063 (2022): <https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova>

Q063 (2019): On the website of the Supreme Court of Cassation - Annual and six month reports on the work of all courts are published - <https://www.vk.sud.rs/en/annual-report-work-courts>. Also, courts publish their individual reports on their internet presentations.

Q064 (General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

Q064 (2022): Republic Public Prosecution Office, Nemanjina 22-26, Belgrade

Q064 (2020): Republic Public Prosecutor

Q064 (2019): Republic Public Prosecutor's Office website: www.rjt.gov.rs

Q065 (General Comment): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%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%D1%80>

Q065 (2022): www.rjt.gov.rs

Q065 (2019): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%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%D1%80>

Q066 (General Comment): Backlog Reduction Program with its action plan, court visit plan (in all, except the first instance courts) annual schedule of work of judges and judicial assistants, etc.

Q066 (2019): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit the Program for Resolution of Old Cases with the action plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on its activities, organization etc. This information is available at the website of each court. (see for example website of the Supreme Court of Cassation (<http://www.vk.sud.rs>)).

Q067 (General Comment): All courts prepare three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public Importance (Art. 39) , to publish information on its activities, organization etc. This information is available at the website of each court . (see for example website of the Supreme Court of Cassation (<http://www.vk.sud.rs>)).

Q067 (2019): All courts draw up a six-monthly and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The courts also draft and submit the Backlog Reduction with the Activity Plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Court Monitoring Plan of courts within their jurisdiction.

Q068 (General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

Q068 (2019): Six-monthly and annual reporting.

Q069 (General Comment): Every public prosecutor`s office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor`s Office is preparing aggregated annual report of all prosecutor`s offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor`s Office and made available for the public.

Q070 (2022): Every public prosecution office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecution Office is preparing aggregated annual report. 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. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecution Office and made available for the public.

Q070 (2019): Every public prosecutor`s office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor`s Office is preparing aggregated annual report of all prosecutor`s offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor`s Office and made available for the public.

Q074 (General Comment): Performance of judges with a standing tenure of office and court presidents` shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily. Criteria for evaluation of judges` performance are quality and quantity. Standards for evaluating quality of judges` performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges` performance quality is determined. Individual grades for quality standards are as follows: “outstandingly successful”, “successful” and “unsatisfactory”. Standard for quantity evaluation of judges` performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges` quantity performance shall be conducted by evaluating the judges` quantity standard by an individual performance grade, i.e. “outstandingly successful”, “successful” and “unsatisfactory”.

Q074 (2019): Performance of judges with a standing tenure of office and court presidents' shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily (Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents "Official Gazette of RS", No. 81/2014, 142/2014, 41/2015, 7/2016). Criteria for evaluation of judges' performance are quality and quantity. Standards for evaluating quality of judges' performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges' performance quality is determined. Individual grades for quality standards are as follows: "outstandingly successful", "successful" and "unsatisfactory". Standard for quantity evaluation of judges' performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges' quantity performance shall be conducted by evaluating the judges' quantity standard by an individual performance grade, i.e. "outstandingly successful", "successful" and "unsatisfactory". Articles 17-26 of the Rules provide more detailed ruled on how quantity (efficiency) of judicial performance is evaluated. This is done based on the number of cases disposed by a judge over a period one month against the number of cases they should dispose- monthly caseload quota. The monthly caseload quota pertain to the cases adjudicated on merits, whereas three cases disposed of in some other manner shall be regarded as one case adjudicated on the merits. Derogating from paragraph 2 of this Article, in higher and appellate courts five closed cases in Kž and Kž2 subject matter shall be regarded as one case adjudicated on merits. In appellate court, five closed cases in Kžm2 subject matter shall be regarded as one case adjudicated on the merits. Three pending cases protecting the right to a trial within a reasonable time period decided on based on the objection to accelerate the procedure and appeals, shall be regarded as one case adjudicated on merits. Two cases closed by entering into mediation agreement shall be regarded as one case adjudicated on merits. If a judge is unable to achieve the monthly caseload quota due to insufficient number of pending cases, the Commission shall take into account the total number of closed cases against the total number of pending cases. If a judge has handled cases of different types, the quantity of his performance shall be established by adding together percentages for each case type and by comparing it against the monthly caseload quota for that matter, provided that Commissions shall assess all the types of disposed cases specified by the Rules of Court Procedure and the law, but not mentioned herein.

Q075 (General Comment): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents 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 (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.

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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.

The Art.26 b of the Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents prescribes that the judge who has been evaluated as "unsatisfactory" is referred to mandatory training.

Q075-1 (2022): not be appointed to permanent office or to be referred to mandatory training

Q075-1 (2020): Law on Judges in Art 52 prescribe that a first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Q076 (2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

Q076 (2019): According to Art. 33 of the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (Article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

Q076-1 (General Comment): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents 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.

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Q077 (General Comment): 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.

Q079 (General Comment): Quantitative performance targets are prescribed by the Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors.

Q079-1 (General Comment): Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors - FULFILLMENT OF THE CRITERIA Article 15.

The individual grade is determined based on the average of the results from the four-month work reports made during the work evaluation period.

The four-month work report expresses the ratio of the number of assigned cases and the number of processed cases, which were dispatched no later than the 15th day after the end of the reporting period.

The results of the four-month reports are entered in the evaluation sheet.

An individual rating of "extremely successful" is determined for the deputy public prosecutor, who handled more than 80% of assigned cases during the evaluation period.

An individual grade of "successful" is determined for the deputy public prosecutor, who during the evaluation period handled 60% to 80% of assigned cases.

An individual rating of "not satisfactory" is determined for the deputy public prosecutor, who during the evaluation period processed less than 60% of assigned cases.

Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 8: The Public Prosecutor (deputy pp) commits a disciplinary offense if:

- does not prepare public prosecutor's decisions and does not invest regular and extraordinary legal means within the prescribed period;
- frequently misses or is late for scheduled hearings, hearings and other procedural actions in the cases assigned to him;
- fails to request an exemption in cases where there are legal reasons for it;
- refuses to perform tasks and tasks entrusted to him;
- does not carry out the written instructions of the superior public prosecutor;
- clearly violates the obligations of proper treatment towards judges in the proceedings, parties, their legal representatives, witnesses, staff or colleagues;
- engages in inappropriate relations with the parties or their legal representatives in the proceedings he leads;
- provides incomplete or incorrect information relevant to the work of the State Council of Prosecutors in the procedure of selection and dismissal of public prosecutors and deputy public prosecutors, determination of disciplinary responsibility and other issues within its jurisdiction;
- violates the principle of impartiality and endangers citizens' trust in the public prosecutor's office;

- performs activities that are determined by law as incompatible with the public prosecutor's function, such as functions in bodies that make regulations and executive authorities, public services and bodies of provincial autonomy and local self-government units, membership in political parties, engaging in public or private paid work, providing legal services or providing legal advice for a fee, as well as other functions, jobs or private interests that are contrary to the dignity and independence of the public prosecutor's office or damage its reputation;
- accepts gifts contrary to the regulations governing conflicts of interest;
- does not respect the working hours prescribed by law or determined by the competent public prosecutor;
- if it significantly violates the provisions of the Code of Ethics;
- does not attend mandatory training programs without justification.

Q080 (General Comment): Quantitative and qualitative performance targets are prescribed by the Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors.

AUTHORITY AUTHORIZED FOR VALUATION

Article 4.

The evaluation of the public prosecutor's work is carried out by the directly higher public prosecutor, with the opinion of the collegium of the immediately senior public prosecutor's office obtained.

The evaluation of the work of the deputy public prosecutor is carried out by the public prosecutor, with the opinion of the collegium of the public prosecution in which the deputy public prosecutor performs the public prosecutor's function.

Article 5.

The criteria for evaluating the work of the deputy public prosecutor are:

1. promptness in handling,
2. expertise and success in work,
3. professional commitment and cooperation.

The criteria for evaluating the work of the public prosecutor are:

1. general ability to manage the public prosecutor's office,
2. supervisory ability,
3. overall results of the work of the public prosecutor's office which he manages.

The criteria for evaluating the criteria are provided for in this regulation.

Article 6

The evaluation of the work of the holders of the public prosecutor's office is expressed by a grade.

Evaluation of work is carried out in such a way that for each criterion provided for in the Rulebook, an individual assessment is determined, on the basis of which the assessment of evaluation of work is made.

Marks

Article 7

The individual grades for the criteria for evaluating the work of public prosecutors are:

1. "extremely successful",
2. "successful",
3. "does not satisfy".

The evaluation grades for the work of the holders of the public prosecutor's office are:

1. "Extremely successfully performs the function of public prosecutor",
2. "Successfully performs the function of public prosecutor",
3. "Not satisfactory".

Q080 (2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision

Q080-1 (General Comment): Article 4.

The evaluation of the public prosecutor's work is carried out by the directly higher public prosecutor, with the opinion of the collegium of the immediately senior public prosecutor's office obtained.

The evaluation of the work of the deputy public prosecutor is carried out by the public prosecutor, with the opinion of the collegium of the public prosecution in which the deputy public prosecutor performs the public prosecutor's function.

EXTRAORDINARY WORK EVALUATION

Article 10.

The work of public prosecutors and deputy public prosecutors can be evaluated on an extraordinary basis based on the decision of the State Council of Prosecutors.

The State Council of Prosecutors can also make a decision on extraordinary performance evaluation based on the reasoned proposal of the public prosecutor of the public prosecution office, in which the deputy public prosecutor performs the public prosecutor's function or the deputy public prosecutor, whose work is extraordinarily evaluated.

The State Council of Prosecutors can make a decision on extraordinary work evaluation:

1. when determining the list of candidates for the election of public prosecutors,
2. during the election of public prosecutors who hold a permanent position in the second or higher public prosecutor's office,
3. during the election of deputy public prosecutors for permanent performance of the function of deputy public prosecutor;
4. when determining the reason for the dismissal of the public prosecutor or deputy public prosecutor;
5. when the public prosecutor or deputy public prosecutor is assessed as "unsatisfactory",
6. in other cases when the State Council of Prosecutors deems it expedient.

The decision from paragraph 1 of this article refers to the period for which extraordinary evaluation is carried out and the criteria for evaluation of work.

The provisions of this rulebook for regular work evaluation shall be applied accordingly to the extraordinary work evaluation procedure.

Q081 (General Comment): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision.

Q081 (2022): The work of the deputy public prosecutor who was elected for the first time is evaluated once a year counting from the date of entry into the position of public prosecutor.

The work of the public prosecutor and the deputy public prosecutor on a permanent basis is regularly evaluated once in three years.

The work of public prosecutors and deputy public prosecutors can be based on the decision of the State Prosecutorial Council assess the prosecutors in an extraordinary manner.

Q081 (2019): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on 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 (2022): ICT Strategy in Judiciary 2022-2027 with Action Plan. Not available in English

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 (2022): In civil and commercial cases, parties can see the status of case online.

CMS is fully integrated in sense that it uses data from cases from court DMS via web services to generate predefined and ad hoc reports.

Q082 (2020): (Software used for registering judicial proceedings and their management)

Q082 (2019): Early warnings for cases at risk of falling under Statute of limitations. In the case of Serbia, the answer for civil and commercial is different because systems of courts of general jurisdiction are in 2019 integrated with the statistical tool and systems of commercial courts are not.

Q082-1 (2021): Firstly, AVP System was implemented in commercial courts in 2010.

Q082-2 (2022): The implementation of the new centralized CMS is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.

Q082-2 (2021): Project of implementation of new modern centralized case management system started in 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 (2022): Since 2021 there was a migration of data (decisions) from Administrative Court portal to centralized data base. Therefore centralized national database of court decisions does not include all judgements

Q085 (2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

Q085 (2019): Court for administrative disputes is Administrative court, which is the only instance for the Republic of Serbia. For judgements in administrative disputes there is no 3rd level instance of decisions, only 2nd level instance which is the Supreme Court of Cassation.

Kosovo*

Q035 (2021): Regarding the discrepancies, it is worth explaining that in 2021 in courts proceeded the switching from 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 incoming cases increased, consequently the resolved cases too.

Q035 (2020): Regarding the discrepancy between civil solved cases and the number of incoming cases, is mainly due to the pandemic situation. For around three months (March to June), Courts have been dealing only with very emergency cases. After June, Courts have continued to work with limited capacities, for the rest of the year. Concerning administrative cases, the increase of pending cases is attributed to their nature of "non-emergent" cases. Since courts have been dealing only with emergent cases and have worked with minimal capacities, most of the administrative cases have remained unsolved.

Q035 (2019): /

Q038 (2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not 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.

Q038 (2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly 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. Restrictive measures, including restriction in the free movement have remained in place during all the year.

Q039 (2021): There is a lack of data for several categories because the Judicial Council has not been able to register 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.

Q039 (2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be available. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35.

Q039 (2019): /

Q040 (2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not 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 restrictive measures applied throughout the 2020.

Q041 (2020): These data (only this year) are not available at this moment; until the Case Management System becomes fully functional.

Q042 (2019): With regard to this and the following question, I changed the answer to NO, since, non of the judicial institutions were able to provide specific policies or documents which specifically address quality standards.

Q058 (2022): With the usage of the electronic system CMIS, it became also possible to generate and regularly monitor court activities based on the marked indicators.

Q058 (2021): The Judicial Performance Commission has competencies based on the following criteria: Personal integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

Q059 (General Comment): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

Q059 (2019): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

Q048 (General Comment): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

Q048 (2022): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

Q048 (2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System (CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in Kosovo which is supporting this activity, this CMIS feature concerning court performance will soon be tested, and from the next year, it will be used to generate dashboards and reports on court performance.

Q049 (General Comment): The Commission for the Evaluation of Judges' Performance has the competence to evaluate 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 once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years

Q049 (2019): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

Q050 (General Comment): Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, 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 "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.

Q051 (General Comment): Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, 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 the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

Q052 (2021): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

Q052 (2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for 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 the prosecution annually.

Q053 (2019): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the prosecution annually.

Q054 (2019): As I explained in the other section, Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and 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, functioning and legislation, where needed.

Q055 (General Comment): Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their legislation with 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, functioning and legislation, where needed.

Q056 (2022): Based on Article 1 and 2 of Regulation 11/2016 on the evaluation of Judges' Performance. This regulation applies to all judges of the courts of Kosovo, except for jury judges and presidents of courts whose assessment will be regulated by a separate regulation. Evaluation Committee means the Committee responsible for evaluating the performance of judges, consisting of 13 members selected by the members of the KJC.

Q061 (2022): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the courts.

Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.

Q063 (2022): Internally on an intranet website also available.

Q064 (2022): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo

Q065 (2022): The report for 2022 is not yet finalised

Q067 (2022): The Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.

These reports are published on the KJC website and are public.

Q067 (2021): In the Department of Statistics at the Kosovo Judicial Council

Q068 (2022): More frequent reports are also available.

Q068 (2021): An annual report is published each year but also other reports on a more frequent basis.

Q069 (2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Q069 (2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

Q070 (2022): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

Q070 (2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

Q070 (2019): Each prosecution office reports quarterly in the meetings of the Kosovo Prosecutorial Council regarding number of cases received, number of cases solved, manner of solving cases and other topics regarding the functioning of the prosecution offices. In addition, at the end of each year, a report is drafted regarding the work of all prosecution offices for that year and a separate report regarding the work of Kosovo Prosecutorial Council.

These reports are published in the websites of KPC and State Prosecutor.

Q071 (2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Q071 (2021): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Q074 (2019): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

Q075 (General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

Q076 (General Comment): The chapter 4 of the regulation no. 11/2016 of the Kosovo Judicial Council, specifies the procedure of evaluation of judges' efficacy. The efficacy of the judges' work is evaluated based on a set of criteria: 1. meeting or exceeding their working norm
2. comparing the number of resolved cases by the judge to the average of resolved cases in that court, in the same category of cases;
3. Comparing the number of pending cases of the judge to the average of pending cases in that court(where judge works)
4. Case complexity. These are the main criteria. However, there are also other factors taken into the consideration, such as the absence of the judges because of the training or holidays, annual leave, medical leave, and other engagements in working groups from the Kosovo Judicial Council or other institutions as foreseen by the existing laws.

Q076 (2022): Based on Article 6 of Regulation 11/2016 on the Evaluation of Judicial Performance, of the KJC.

- The assessment can also be more frequent.

The Commission for the Evaluation of Judges' Performance has the competence to evaluate 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 once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years.

Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, 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 "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.

Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, 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 the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

Q076 (2019): Every three years

Q077 (General Comment): Every three years .

Q078 (2022): KPC 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.

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.

Q079 (2019): Kosovo Prosecutorial Council has adopted the administrative instruction which determines the orientation norm for state prosecutors which sets the annual guidelines for the execution of cases for Prosecutors of the General Department, the Department of Juveniles and the Serious Crimes Department of all Basic Prosecutions, the General Department and the Serious Crimes Department of the Appellate Prosecutor's Office and Special Prosecution Office of the Republic of Kosovo.

Q079-1 (General Comment): If targets are not met, a negative evaluation will follow by the Commission on performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a permanent dismissal of a prosecutor.

Q079-1 (2022): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Q079-1 (2021): Other: if prosecutors do not fulfil their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Q081 (General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

Q081 (2022): The evaluation of performance and work of prosecutors is regulated by law and regulations. 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 are evaluated by the committee every 3 years.

Q081 (2021): The evaluation of performance and work of prosecutors is regulated by law and regulations. 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 are evaluated by the committee every 3 years.

Q081 (2019): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

Q082-0 (2021): For 2021 there was no specific strategy for the IT but there are measures and activities related to IT included in other strategies and working documents.

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 (2022): In the KJC web portal, on September 2022 are deployed two web applications; the Case Tracking Mechanism (CTM) and Open Data Platfor, (ODP). In the CTM, parties can follow their case status data, while in the OPD are available all statistical reports of the CMIS.

Q082-1 (2020): It has just recently been developed.

Q084 (2022): All data and judgments have been entered into the system in the Criminal Evidence Database where they are within the SKJK

Q085 (General Comment): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link of the database:
<https://www.gjyqesori-rks.org/aktgjkimet/?lang=en>

Q085 (2019): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link 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 cases.

Question 38. First instance courts: number of criminal cases.

Question 39. Second instance courts (appeal): Number of “other than criminal law” cases.

Question 40. Second instance courts (appeal): Number of criminal cases.

Question 41. Percentage of decisions subject to appeal, average length of proceedings and percentage of cases pending for more than 3 years for all instances for specific litigious cases.

Question 42. Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

Question 43. Do you have specialised personnel entrusted with implementation of these national level quality standards?

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 48. Do you have a system to evaluate regularly court performance based on the monitored indicators of question 58?

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 on the monitored indicators of question 59?

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 within this public prosecution service?

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 possible):

Question 60. Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for:

Question 61. Do you monitor waiting time during judicial proceedings?

Question 61-1. Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

Question 62. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?

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 functioning of the public prosecution services?

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

Question 66. Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and 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:

Question 69. Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and 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:

Question 74. Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?

Question 75. Who is responsible for setting these 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 decisions in a month or year)?

Question 79. Who is responsible for setting these 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 their management)

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? (Change of CMS or other main application)

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

(General Comment): The second instance courts of general jurisdiction have subject matter over the first instance administrative law cases. Therefore, the statistics incorporated in the table for Q 35 include data on the caseload of second instance courts regarding the first instance administrative law cases.

(2022): There has been a significant decrease in the influx of first instance civil and commercial litigious 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 was smaller than the number of new first instance civil and commercial litigious cases received in 2019 and 2018. This trend continued in 2022., except that one of the biggest first-instance courts received a large number of relatively simple litigious small claims cases, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction, leading to the increase in the number of pending cases even though most of the courts surpassed the 100% clearance rate in the reference year. The number of pending cases that are more than two years old has decreased significantly, due to this report covering 2020, in which courts received a smaller number of cases because of the Covid-19 restrictions. Finally, it is important to note that the majority of the pending civil and commercial litigious cases older than two years are litigious small claims cases related to the unpaid utility bills.

The decreased number of incoming non-litigious cases was filed in the courts in 2022 in comparison to 2021. 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 the previous years, 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 2021 and the beginning of 2022. Namely, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed one of the courts to correct technical mistakes made in the case management system about the registration of non-litigious enforcement cases the public companies had initiated with the courts previously for unpaid utility bills. The court increased the number of pending cases by implementing the instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The overwhelming majority of the administrative law cases are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Several courts saw an increase in the influx of administrative cases during 2022, resulting in a surge in the number of pending cases at the end of the year; in addition, the number of pending administrative cases in some of the largest courts has escalated as some of the judges specialized in administrative cases were absent due to sick leave or they were retired during the year.

(2021): There has been a significant decrease in the influx of first instance civil and commercial litigious 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 the registration of non-litigious enforcement cases the public companies had initiated with the courts previously for unpaid utility bills. The courts increased the number of pending cases by implementing the instructions of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The overwhelming majority of the administrative law cases are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. The courts reduced significantly the number of administrative law cases in the reference year. However, the number of pending administrative law cases older than 2 years increased in 2021. Primarily, it is a consequence of the fact that one of the courts could not achieve the 100% clearance rate in the reference year, because it received a disproportionate number of the new administrative law cases in 2021.

(2020): In 2020, Covid- 19 restrictions affected particularly the functioning of courts dealing with first instance cases, namely the numbers of incoming and resolved cases were reduced for all case types within the category of “other than criminal” first instance cases. However, the courts generally managed to achieve the clearance rate over 100% for the following case types within the first instance cases: commercial and civil litigious cases, general non-litigious cases, non-litigious business registry cases, and other registry cases. Nevertheless, the total number of pending “other than criminal” first instance cases increased due mostly because of the courts did not achieve the 100% clearance rate for the non-litigious land registry cases. Several courts in their annual reports indicated that they did not have sufficient capacity to handle the workload that increased in 2020 within the project aiming to achieve harmonization between land register and cadastre data. Non-judge court staff deal with a substantial part of the caseload in terms of registry cases and land registry matters. Majority of the pending civil and commercial litigious cases and general non-litigious cases older than 2 years were cases related to the unpaid utility bills divided into two groups: the litigious small claims cases and the non-litigious enforcement cases. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Bulk of the pending administrative law cases older than 2 years are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. An additional information on the inconsistency for general non-litigious pending cases between end of 2019 and beginning 2020: The High Judicial and Prosecutorial Council of Bosnia and Herzegovina instructed three courts to correct technical mistakes made in the case management system about the registration of non-litigious enforcement cases the public broadcasting companies had initiated with the courts previously for unpaid television subscription; by implementing the instructions the courts increased the number of pending cases.

(2019): There has been a significant decrease in the influx of civil and commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of incoming non-litigious cases (i.e. non-litigious enforcement cases for unpaid utility bills, registry cases, land registry cases) was registered in 2019 as opposed to the increase in 2017 and 2018; in such conditions the several biggest courts in Bosnia and Herzegovina reduced the backlog. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. A substantial part of the registry and land registry matters is dealt with by non-judge staff in the court registries. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: Most of the pending civil and commercial litigious cases, i.e. cases older than 2 years from the date the case came to the first instance court, are litigious small claims cases related to the unpaid utility bills. This backlog of old cases is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Most of the administrative law cases, i.e. cases older than 2 years from the date the case came to the first instance court, are concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. The number of pending civil, commercial and administrative cases older than 2 years was reduced in 2019 compared to 2018 due to the consistent implementation of the principle to deal with pending cases chronologically within the courts’ backlog reduction plans.

Montenegro

(2022): comments as in sections.

The significant increase of administrative cases is predominantly generated due to the high number of initiated cases before the Administrative Court against the decisions of the public authorities. This is also related to the application of the Law on Free Access to Information and there have been high number of requests towards the authorities (institutions) for free access to information which ended by decisions against which the complaints are not allowed or there have been requests which remained unanswered, the institution did not decide on request or complaint in the administrative procedure. According to the Law on Administrative dispute, such or similar situations provide legal basis that administrative dispute may be initiated, which means a law suit to the Administrative court may be filed. In practice, many law suits were initiated by different subjects such as civil society organizations dealing with promotion of the right to free access to information, citizens or legal persons.

(2021): Compared to last year, the number of cases received is higher, and the number of resolved cases is 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 of scheduled hearings. In the reporting year, the termination of judicial office for 54 judges was stated, as follows: -25 on personal request, -1 due to the death of a judge, -6 due to the acquisition of conditions for old-age pension, and -22 by force of the Constitution.

(2020): Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories

2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R) "2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U) "4. Other cases":

Execution cases (I)

Clarification on discrepancies: Total of other than criminal law cases (1+2+3+4) for incoming cases - Lower inflow of cases in courts

Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3) - Lower inflow of cases in courts

Non litigious cases (2.1+2.2+2.3) for resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other non-litigious cases for incoming and resolved cases - there was a lower inflow of cases, therefore, there was a lower number of resolved cases

Other cases – for pending cases on jan. 1 RY and resolved cases - In 2020, there was a lower number of unresolved cases at the beginning of the year, compared to the previous one. As for resolved cases, there was a lower inflow of cases, and therefore a lower number of resolved cases.

(2019): "Total of other than criminal law cases (1+2+3+4)": For basic and commercial courts.

"1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)" : Civil cases (P)

- Civil cases - small value (Mal)

"2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)": - Complex non-litigious cases (Rs)

- Other civil and non-litigious cases (R)

"2.3. Other non-litigious cases":

Legacy cases (O)

"3. Administrative law cases":

Administrative cases - Administrative court (U)

"4. Other cases":

Execution cases (I)

North Macedonia

(2022): Category 1. In 2022 there were still Covid-19 effects on the proceedings before the courts. In the second part of the year, at 1-st of July 2022 started high number of retirements of the judges (see also new general comment to Q 104). Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to new condition for age retirement, the age of 64 years as a new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labor Relation law. Category 2.2.3. Other Registry cases are cases for registration of political parties.

(2021): 2.2.3. Other registry cases are cases for registration of political parties.

3. Probably, the number of the resolved administrative cases is decreasing in 2021 due to the implementation of the 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.

(2019): In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

Serbia

(General Comment): Administrative cases are all cases before the Administrative Court (“U”-administrative disputes; “Ur” - various administrative cases; “Ui” - execution of Administrative Court judgement; “Uo”- postponement of enforcement before lodging a lawsuit; “Uv” - objection to the decision of a single judge; “Up” - repetition of administrative-judicial procedure; “Uvp I”, “Uvp II” – request for extraordinary review of court decision) “Uip” - judicial protection in the election procedure for members of national councils of national minorities; “Už” – appeals, “U-uz” - whistleblowers (new, in comparison to the 2016-2018 cycle).

(2022): 1. The lower number of incoming cases in 2022 is primarily explained by the decrease inflows in civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs bank loans), courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number of pending cases also increased.

2.1. The Supreme Court of Cassation paid special attention to the problem of pending backlog enforcement cases, since in the previous period they affected the efficiency of the courts. Exceptional results were achieved through the cooperation of the Supreme Court of Cassation, the High Court Council and the Ministry of Justice, with the additional help of the IPA 2012 Projects “Improving Judicial Efficiency in the Republic of Serbia”, “EU for Serbia – Support to the Supreme Court of Cassation” and “EU for Serbia – Support to the High Court Council”, in the period from 2016 to the end of 2022 in the reduction of pending backlog court cases, and especially pending backlog IV cases in basic courts.

2.3. In this group of cases, the number of cases related to the trial in within a reasonable time (the number of complaints filed under the Law on the Protection of Rights to trial within a reasonable time) was decreased. .

3. Administrative cases: There is no special explanation, the Administrative Court has more incoming cases and the same number of resolved cases as in previous few years.

(2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. 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 1st of January 2020, have drawn the lines between competencies of courts and enforcement agents in the enforcement and security proceedings, as well as boundaries between the courts themselves, disabling overlap or conduct of double enforcement proceedings. In enforcement cases involving shift in jurisdiction, amendments to the law provided in details duties of the creditors, enforcement agents, the courts, as well as the presidents of courts. The lack of exercising jurisdiction by the enforcement agents has been provided with sanctions, as well as with appropriate measures being prescribed for particular types of enforcement cases.

Following the adoption of the Amendments to the LoES, the Supreme Court of Cassation, jointly with the High Judicial Council and the Ministry of Justice, adopted new strategic document - Guidelines for the Implementation of Amendments to the Law on Enforcement and Security.

In 2021, 255,792 new enforcement cases were received, 514,833 were resolved and 66,610 cases remained unresolved.

Pending at the beginning Total incoming Total disposed Pending at the end

2017. 82,162 91,659 35,178 38,643

2018. 38,643 37,760 63,964 712,439

2019. 12,440 96,233 75,702 32,971

2020. 32,974 208,059 15,385 25,648

2021. 25,651 255,792 514,833 66,610

Table 20

Regarding the question at issue, it is correct that the number of incoming cases is higher in comparison to 2020. One reason for that could be found in decrease on number of cases because of circumstances caused by virus corona. On the other hand it should be born in mind that the courts kept their jurisdiction regarding certain categories of enforcement cases.

Competence for enforcement is regulated by Article 4 of the Law on Enforcement and Security.

The court is exclusively competent for the enforcement of acts that can be undertaken only by the enforcement debtor or through inaction (Articles 363, 364 and 366), return of the employee to work and enforcement of final decisions related to family relations, except for subsistence costs as provided by law.

Also, the court is exclusively competent for enforcement even when it is prescribed by a special law.

Public enforcement agents are exclusively competent for the execution of other enforcement documents, decisions on execution on the basis of an authentic document, decisions on the adoption of proposals for counter-enforcement and decisions on the execution of decisions on imposed court penalties.

.....

Public enforcement agents are exclusively competent for the enforcement of decisions which are prescribed by law to be enforced ex officio. The provisions of the law governing the collection of court fees shall accordingly apply to the enforcement procedure.

Public enforcement agents are exclusively competent to carry out enforcement when it is prescribed by a special law.

...

It could be concluded that while the public enforcement agents will deal exclusively in enforcement cases based on an authentic document (iv) and in certain other cases prescribed by the law, it remains to court to decide in cases wherein there is the exclusive jurisdiction of courts prescribed by the law (see above Art. 4), as well as in cases relating to legal remedies and in other cases prescribed by the law.

(2020): The category “non-litigious cases” includes enforcement cases. Since 2016 legislative and other measures have been taken in order to decrease the number of backlog enforcement cases (which is recognized as a systemic problem). In 2020 the number of backlog enforcement cases has been decreased significantly and it is reflected in total number of “non-litigious cases.” In accordance with the Law on Enforcement and Security all enforcement cases based on an authentic document (Iv) cases should be transferred to public enforcement officers. In 2020 about 240.000 such cases were resolved by the conclusion of the court to transfer the case to public enforcement officer.

As regards “civil and commercial litigious cases”, the number of pending cases at the end of the period increased by 46%. There has been general trend of increase of incoming civil litigious cases for last five years. Due to special circumstances and need to take safety measures because of Covid 19, in 2020 courts worked with reduced capacities, while there was increase of number of incoming cases. The decrease in the number of resolved cases refers primarily to basic and higher courts. As regards “non – litigious cases”, in particular “general civil and commercial non-litigious cases”, from 2019 to 2020 the number of incoming cases decreased significantly (-38%), while the number of resolved cases remained almost the same. As a consequence, the number of pending cases at the end of the year decreased as well (-45%). This is also in relation to enforcement cases based on an authentic document (Iv) cases. Public enforcement officers deal with new such cases, so the number of incoming cases decreased. On the other hand, there is still lot of these cases before courts (backlog cases), and the courts still have to resolve these cases (in majority cases by the conclusion of the court to transfer the case to public enforcement officer), and that is the explanation why the number of resolved cases remained the same and why the number of incoming cases significantly decreased.

From 2019 to 2020 the number of “administrative law incoming cases” increased by 47%, and the number of cases older than 2 years increased by 63%. In Serbia there is one Administrative Court (with seat in Belgrade, and three departments in Kragujevac, Novi Sad and Niš). It has broad competences and for several years number of incoming cases has been continuously increasing. In certain type of cases the Administrative Court has to decide urgently, like in electoral cases. Also, the work of this court was influenced by the circumstances caused by the virus and the fact that during 2020 parliamentary and local elections were held in Serbia and there were many electoral disputes which needed to be decided in short deadlines.

As regards “other cases”, from 2019 to 2020, there was a decrease in the number of incoming (-39%), resolved (- 39%), and pending cases (-46%). These cases relate to different kinds of citizens’ requests for verification of signatures, or requests for different certificates and probably circumstances caused by Covid, contributed to decrease of such requests of citizens.

(2019): The answer to question 35. 1. includes litigious cases in higher courts (P, P1, P2, P3, P4, P-uz and R), basic courts (P, P1, P2, P1-uz, Prr and Prr1), commercial courts (P, P2). For commercial courts, bankruptcy cases (St) as well as reorganization in bankruptcy cases (Reo) which were previous to 2016-2018 cycle displayed in 2.3. are included in 2.1, since a judge decides in these cases. Newly added cases in this row, from 2016-2018 cycle are those pursuant to the Law on Protection of Whistle-blowers (applicable from 04.06.2015) and litigious proceedings pursuant to lawsuits for compensation of pecuniary and non-pecuniary damage due to infringement of the right to trial within a reasonable time from higher courts (P-uz, Ppr-uz, Prr1), basic courts (P1-uz, Prr, Prr1) and misdemeanour courts (Pr-uz).

A major change in the number of other non-litigious cases and, consequently, the total number of cases, is a result of the implementation of the Law on Enforcement and Security from 1 July 2016 and the systemic measures defined in the special program for reduction of enforcement case backlog. Serbia has enabled a comprehensive disposition of enforcement case backlog. The Supreme Court of Cassation, the Ministry of Justice and the High Court Council have jointly drafted and adopted the Instructions for the implementation of the Law on Enforcement and Security.

Kosovo*

(2021): Regarding the discrepancies, it is worth explaining that in 2021 in courts proceeded the switching from 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 incoming cases increased, consequently the resolved cases too.

(2020): Regarding the discrepancy between civil solved cases and the number of incoming cases, is mainly due to the pandemic situation. For around three months (March to June), Courts have been dealing only with very emergency cases. After June, Courts have continued to work with limited capacities, for the rest of the year. Concerning administrative cases, the increase of pending cases is attributed to their nature of "non-emergent" cases. Since courts have been dealing only with emergent cases and have worked with minimal capacities, most of the administrative cases have remained unsolved.

(2019): /

Question 038

Albania

(2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.

The number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the unequal distribution of cases between courts is another factor contributing to the problem.

(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

(General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures. Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences: traffic offences, violations of public order, begging etc.

(2022): There has been a significant decrease in the influx of first instance severe criminal 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 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. Statistics on first-instance criminal cases in 2022 indicate that the situation in the courts is, basically, consistent with the parameters from 2021.

Unlike previous years, the number of incoming cases decreased in 2022. Consequently, the number of pending cases in the first instance decreased at the end of 2022. The reduction in the influx of cases was recorded, predominantly, in the largest courts. This is not a consequence of legislative changes. It remains to be seen whether such indicators will continue to be achieved in the coming period.

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, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

(2021): There has been a significant decrease in the influx of first instance severe criminal 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 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, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanour proceedings and for the enforcement of pronounced penalties.

(2020): Specific comments for 2020:

There has been a significant decrease in the influx of first instance severe criminal cases over recent years, that trend improved in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the epidemic of Covid-19. However, in contrast to 2019, the number of resolved first instance criminal cases plunged in 2020, due to Covid-19 measures restricting the work in prosecutors' offices and courts. Therefore, the number of pending severe criminal cases was bigger at the end of the reporting year. As in 2019, the number of incoming first instance misdemeanour cases continued to raise in 2020. Predominantly, increase of the new cases remains to be the result of a more consistent approach of the law enforcement institutions concerning traffic offences and some offences against public order. The number of resolved first instance cases in 2020 was lesser compared to 2019 because of Covid-19 measures restricting the work in courts. Consequently, the number of pending misdemeanour cases continued to grow in 2020 as in the previous year. Certain number of pending severe criminal cases, which 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.

(2019): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the change of monetary sanction to imprisonment etc), statistics on criminal proceedings related to the enforcement of convictions pronounced in criminal proceedings; statistics for minor offence cases regarding related to the court decisions brought outside of the main misdemeanor proceedings and for the enforcement of pronounced penalties.

Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Also, the historical statistics since 2014 show the decrease of the severe criminal cases. Due to the increase of the incoming misdemeanor and other cases in 2019 the courts did not achieve 100% clearance rate causing the increase of the number of pending cases at the end of 2019. The increase of the incoming cases was mostly the result of a more strict approach of the law enforcement institutions with regards to the punishing traffic offences. Also, it is important to note that although the increase of pending misdemeanor cases between 2018 and 2019 is high in relative terms, it is not as significant in absolute numbers.

Montenegro

(2022): Higher inflow (number of received cases by misdemeanour courts due to the fact in practice that the subject with jurisdiction of issuing misdemeanour orders (fines) were using the legal possibility to initiate misdemeanour proceedings before the courts instead. That led to higher inflow of cases which reflected to the number of unresolved cases. This was mainly the issue related to the slowdown of public procurance system (major cyber attacks etc.) in the refence year and a lack of relevant forms for issuing misdemeanour orders (fines).

(2020): 1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

Discrepancy elaboration regarding increase of severe criminal cases pending on 31st December of ref.year: In 2020, there was a higher inflow of cases than in 2019, so there were more unresolved cases.

(2019): "1. Severe criminal cases":

Basic and High courts

- Criminal cases (K)
- Special criminal cases (Ks)
- Juvenile criminal cases (Km)

"2. Misdemeanour and / or minor criminal cases":

- Misdemeanor cases (PP) - Misdemeanor courts

"3. Other cases":

Misdemeanor cases - Execution cases for misdemeanor (IPS)

North Macedonia

(2022): Category 2. Please, see also the comment for Q 35. High number of judge retirements in 2022 caused by new compulsory age of retirement probably is the reason for higher number of unsolved cases. Also, in 2023 we are expecting more retirements of judges due to this reason.

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

(2020): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

(2019): In the numbers on this question are not included cases connected with enforcement of criminal (and misdemeanor) cases.

Serbia

(General Comment): The omission was made in 2019 when the number finalized cases before Misdemeanor Courts were not recorded in the proper manner. 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 jurisdiction of commercial courts as penal offenses (38.2). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. “severe/minor offences” (their qualifications may also be changed until enacting of the decision and determining the sentence).

3. Other criminal cases: Incoming and outgoing cases of international legal cooperation, letters rogatory in criminal matters; 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; 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); Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department); Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department); Domestic letters rogatory in criminal cases; Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department); Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department); Certificates - whether or not a natural or legal person is being prosecuted; Proposals of the prosecution and decisions of the pre-trial judge in relation to special measures for producing evidence; Register in which the proposals of the competent prosecutor's office for the extension of the emergency measure prescribed by the Law on Prevention of Domestic Violence are introduced; cases for which legal assistance is sought from another misdemeanour court are cases in which misdemeanour proceedings are conducted against juveniles; Execution according to the decisions of the misdemeanour court, according to the decisions of the administrative bodies, and the execution of the misdemeanour order.

(2022): All answers were provided by the competent institution (Supreme Court of Cassation)

(2021): The transition to a new case management system is the cause of uneven numbers. We will provide a 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)
- Requests for recognition of a foreign court decision, requests for extradition (regular criminal department, organized crime department, war crimes department)
- Requests for parole (Regular Criminal Department, Organized Crime Department, War Crimes Department, Juvenile Department, Anti-Corruption Department)
- Register of the judge for execution of criminal sanctions: complaint, appeal, request for judicial protection, report of the judge for execution of criminal sanctions, notification, request, etc. submitted by convict, detainee, institute for execution of criminal sanctions, attorney and others.
- Requests for temporary confiscation of property (regular criminal department, organized crime department, war crimes department, anti-corruption department)
- Requests for permanent confiscation of property (regular criminal department, organized crime department, war crimes department)
- Incoming international letters rogatory in criminal matters (through the competent authorities or directly, in the regular criminal department, the Department for Organized Crime, the Department for War Crimes, the Department for the Suppression of Corruption)

- Domestic letters rogatory in criminal cases
- Register of the Witness Assistance and Support Service: the requests of the judge with the list of witnesses etc. (Regular Criminal Department, Organized Crime Department, War Crimes Department)
- External international letters rogatory in criminal cases sent directly to the competent court or other authority of a foreign state
- Register in which the agreements concluded between the competent prosecutor's office and the accused are entered
- Certificates - whether or not a natural or legal person is being prosecuted
- Proposals of the prosecution and decisions of the pre-trial judge in relation to special measures for producing evidence

Basic courts:

- Outgoing and incoming international letters rogatory, execution of criminal sentences
- Register of Criminal Extrajudicial Chambers, register of pre-trial judges for various actions during the investigation, different cases during investigation, requests for permanent or temporary confiscation of property, requests for parole, Register of the Witness Assistance and Support Service, register in which the agreements concluded between the competent prosecutor's office and the accused namely the convicted person, Certificates - whether or not a natural or legal person is being prosecuted, decisions of the pre-trial judge in relation presence of the accused in order to provide due course of the criminal proceedings, register of the pre-trial judge on duty - Register in which the proposals of the competent prosecutor's office for the extension of the emergency measure prescribed by the Law on Prevention of Domestic Violence are introduced (Article 19 of the said Law)

Misdemeanor courts:

- Cases for which legal assistance is sought from another misdemeanour court are cases in which misdemeanour proceedings are conducted against juveniles.
- Execution according to the decisions of the misdemeanour court, according to the decisions of the administrative bodies, and the execution of the misdemeanour order.

(2019): The field 38.1 encompasses registries of high courts: (K, KIM, KM, K1, KI, Ki-Po1, Ki-Po2, KiPo3, K-Po1, K-Po2, Kpo3,Kpo4, SPK, SPK Po1, SPK Po2), Basic courts: (K, K1, Ki, Spk). The category under 38.1 includes all criminal cases because the Criminal Code of the Republic of Serbia does not make the distinction between crimes – i.e. “severe/minor offences” (their qualifications may also be changed until enacting of the decision and determining the sentence). Therefore, all first instance criminal cases of basic and higher courts are included (in higher courts - organized crime, war crimes, and high-tech crimes, according to urgency, etc.); investigations and investigative actions before basic and higher courts; preparatory proceedings and proceedings against minors; confession of criminal offenses and criminal cases without a main hearing.

Field 38. 2 encompasses the following cases: Commercial courts: Pk, Pki, Pkr, Misdemeanor courts: PR, PRM. In Commercial Courts, these cases relate to initiation of proceedings due to commercial offenses against natural and legal persons; preliminary procedure for commercial offenses; cases before misdemeanor courts: misdemeanors and misdemeanors perpetrated by minors.

Field 38. 3 encompasses the following cases: Enforcement and complaints as regards enforcement decisions misdemeanor cases; cases related to criminal and misdemeanor proceedings, handled by judges in courts but related to "cases as such" - ex. conditional release, pardons, cases of extradition of defendants and transfer of convicted persons, agreement on the testimony of a defendant and convicted person, legal aid cases between domestic courts in criminal matters, for assistance and support to victims and witnesses, enforcement of criminal sanctions up to one year, enforcement of criminal sanctions, enforcement of alternative sanctions, outgoing and incoming letters rogatory in the criminal matter.

The increase of the number of cases is primarily a result of the new category "other cases", which was previously (until 2018-2020 CEPEJ Cycle) mentioned only in the comments section. Additionally, new cases have been introduced in this cycle: K-Po4 I SPKPo 4, I SP k Po 3.

Kosovo*

(2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not 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.

(2020): The discrepancy in misdemeanor cases is because of the switch to Case management system(CMIS). The pending cases at the end of 2019 have not been included in the CMIS. After the communication with Judicial Council, we have been informed that all the pending cases from 2019 have been solved, but are not included in the CMIS. To be more specific, from 26070 pending cases (31st Dec 2019) 22729 have been not included in the CMIS. This is why the number of resolved cases is significantly lower than the number of 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. Restrictive measures, including restriction in the free movement have remained in place during all the year.

Question 039

Albania

(2022): The decrease in the number of resolved cases during 2022 is believed to have been caused by the decrease of the number of judges in the second instance due to different factors such as resignations, vetting process, promotions. In addition, the unequal distribution of cases between courts is another factor contributing to the problem.

As regards administrative cases, during 2022 the Administrative Appeal Court has functioned with 43% of judges.

Bosnia and Herzegovina

(2022): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 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. This trend continued in 2022. However, one of the second-instance courts received a large number of simple cases, which were resolved during the same year, which resulted in an increase in the total number of cases received compared to 2021. This was a one-time increase in the influx of cases, related specifically to this court's territorial jurisdiction. Furthermore, 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 2022. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. When it comes to administrative court cases, the number of pending cases has been further reduced in 2022, confirming indicators from 2021.

(2021): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In 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 decisions of the election commission unlike in 2020.

In general, the courts maintained the trend from 2020 and previous years to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

(2020): There has been a significant decrease in the influx of second instance civil commercial litigious cases over recent years. In 2020, the number of incoming cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions; therefore, the number of appeals initiating the second instance court cases in 2020 was much lower, compared to the previous years. In addition, the courts with the biggest caseload in the country have surpassed the 100% clearance rate; consequently, the number of pending second instance civil commercial litigious cases was lesser at the end of 2020. No major legislative reforms in terms of the laws on civil and commercial procedure took place in the recent years. The courts registered the increased numbers of incoming and resolved administrative cases in 2020 in contrast to the previous year; the workload increased particularly in one of the courts, which had to decide urgently on the huge number of the complaints against the election commission's decisions in relation to the 2020 local elections. The courts maintained the trend from 2019 to make a significant reduction of the number of pending civil, commercial and administrative cases older than 2 years, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

(2019): There has been a significant decrease in the influx of civil commercial litigious cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for commercial and civil litigious cases throughout the same period. The decrease of administrative cases was registered in 2019 as in the previous year; in such conditions the backlog of cases was reduced in 2019. The above-mentioned reduction in the number of new cases is not caused by the legislative amendments. When it comes to the statistics on pending civil and commercial litigious and administrative cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending civil, commercial and administrative cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

Montenegro

(2022): higher inflow of cases in 2022

(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.

(2020): Total of other than criminal law cases (1+2+3+4) - Total number given in this file represents High and Appellate court cases

1. Civil (and commercial) litigious cases - High and Appellate court: -Civil appeals (Gž and Pž) for (Civil cases (P) and Civil cases – small value (Mal))
- 2.1. General civil (and commercial) non-litigious cases - Civil appeals (Gž and Pž) for (Complex non-litigious cases (Rs) and Other civil and non-litigious cases (R))
- 2.3. Other non-litigious cases - -Civil appeals (Gž and Pž) for (Legacy cases (O))
3. Administrative law cases - -Supreme court -Administrative appeal cases (Uvp)
4. Other cases - ***Civil appeals (Gž and Pž) for ((O-n), (OP), (ST), (RP), (PSO), (I), (IP), (OS), (L),(PL))

Clarification on discrepancies:

Total of other than criminal law cases for pending cases 31.dec RY As the number of unresolved cases decreased on 01.01, the inflow of cases in the reporting year also decreased, thus, the number of unresolved cases decreased on 31.12.2020. year.

(2019): "Total of other than criminal law cases (1+2+3+4)":

High and Appellate court

- Civil appeals (Gž and Pž)

North Macedonia

(2022): Category 1 - In 2022 there was no reason for larger number of income cases as it was in 2021 (see explanation in previous cycle).

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

Serbia

(General Comment): Courts deciding in the second instance (on appeal) in the "non-criminal" cases, as courts of general jurisdiction are: higher: upon the decisions in civil disputes and the judgment in small claims and the non-contentious proceedings, and appellate courts: upon the decisions of higher courts and judgements of the basic courts in civil disputes unless deciding on appeals is not under the competence of higher court.

The court of special jurisdiction, which decides in the second instance (on appeal) in the "non-criminal" cases is the Commercial Appellate Court (appeals on decisions of commercial courts and other bodies). Excluded from the total number of cases in response to this question are cases on appeals in cases of commercial offences. No. 3 - There is no second instance in administrative disputes.

The answer to question 1. includes 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 appellations);

Before the Commercial Court of Appeal: second instance commercial proceedings involving appeals, conflict and delegation of jurisdiction between commercial courts;

Concerning the category "other", cases in the proceedings for protection of right to a trial within a reasonable time have been transferred to 2.3.

(2022): 1. The lower number of incoming cases in second instance in 2022 is primarily explained by decrease of incoming civil and commercial cases in basic and commercial courts. During 2019, 2020 and 2021 there was a large number of specific type of cases related to the costs of bank loans. After supplementing the legal position of the Supreme Court of Cassation from September 16, 2021, number of these cases gradually decreases. However, due to the mentioned repetitive cases (litigation for reimbursement of costs bank loans), second instance courts were unable to handle such a large influx from the previous year (regardless of the fact that the inflow in 2022 was lower), so the number cases increased.

(2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in 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).

The ratio of incoming, disposed and pending cases in the period from 2017 to 2021 shows a continuously decreasing number of pending cases, a slight decrease in the number of disposed cases in 2020, and a sharp increase in 2021, by 401,843 more cases than in the previous year, as well as a variation in the number of incoming cases, with the largest escalation recorded in 2021, by 534,575 more cases compared to the previous year.

The increase in the number of incoming and disposed cases indicates excessive workload of judges and court staff, despite the systematic measures taken to reduce the number of backlog cases in courts.

(2020): The discrepancy from the previous year in the number on pending "civil and commercial litigious cases" older than two years is a result of the burden higher courts (acting as second instance courts), and in particular the Higher court in Belgrade.

(2019): Other cases include objections to provisional measures cases related to the media. Regarding discrepancies, repetitive cases in the appeal procedure continued to burden the appellate courts both in 2018 as well as in 2019, but the general appellate courts managed to clear these cases in 2018 and decrease the number of pending cases transferred to 2019, as well as to continue with this trend in 2019. Therefore, even though the number of incoming civil (and commercial) litigious cases increased in 2019, the number of resolved cases increased even more drastically (from 130 412 to 148 012 cases) and a particular improvement (decrease) is especially evident in the number of pending cases older than 2 years (a decrease from 3 374 to 1 389 cases). With regard to "non-litigious cases", and more particularly "other non-litigious cases", it should be pointed out that amendments to the Law on the Court Organization and the new Law on Protection of the Right to a Trial within a Reasonable Time have shifted responsibility for protection of this right from the Constitutional Court to the courts of general and special jurisdiction. This has led to the filing of a large number of motions to that effect with all Serbian courts, including objections requesting acceleration of proceedings and claims for compensation for both tangible and intangible damage. The upward trend in new cases, first seen in 2015, continued into 2016, with a total of 35.815 such cases heard by all Serbian courts. Concerning the category "other", cases in the proceedings for protection of right to a trial within a reasonable time have been transferred to 2.3

Kosovo*

(2021): There is a lack of data for several categories because the Judicial Council has not been able to register 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.

(2020): We do not have the data on pending cases for the second instance this year, because the Judicial Council has not been able to register all the data in the CMIS for the second instances. We might have the data during the coming months, but we do not have a definite answer when these data will be available. As for the discrepancies between pending cases, incoming and resolved cases, stands the same explanation as for the Q35.

(2019): /

Question 040

Albania

(2022): Other Criminal cases: a) criminal administrative cases (exe: probation requests, security measures etc) b) cases related to anti-mafia law.

Long disposition time is due to the lack of judges and uneven distribution of workload.

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

Bosnia and Herzegovina

(General Comment): Statistics on "Other cases" include inter alia: statistics on the preliminary criminal proceedings before the main trial, i.e. during the investigative procedure which is conducted by the prosecutor's office (e.g. seizure of evidence, detention and similar measures, confirmation of indictment etc.), statistics on the court decisions brought outside of the main criminal trial (e.g. detention and similar measures, the conversion of monetary sanction to imprisonment etc.), statistics on court cases related to the enforcement of convictions pronounced in criminal and misdemeanour proceedings; statistics on court cases related to the various auxiliary matters decided in relation to the misdemeanour proceedings.

Severe offences: a criminal offense is an unlawful act which violates or jeopardizes the protected values and which is, because of the danger it represents, defined by law as a criminal offense and for which a punishment is prescribed. Criminal sanctions are: prison punishments, suspended sentence, security measures and educational measures.

Examples of serious offenses are: criminal acts against state, homicide, organized crime, criminal acts against official duty (i.e. corruption cases), theft and other crimes against property, rape and other crimes against sexual integrity, traffic accidents where a person suffered grievous bodily injury or a significant damage and other crimes against public transportation etc.

Minor offence cases: minor offences are violations of public order or of regulations on economic and financial operations defined as such by laws or other regulations, whose characteristics are described and for which sanctions are prescribed. The following sanctions may be imposed upon a person found responsible for commission of a minor offence: fine; suspended sentence; reprimand; and protective measures. The following measures may be imposed as a consequence of being found responsible for commission of a minor offence: confiscation of gains; obligation to compensate damages; penalty points; and deprivation of liberty to compel payment of a fine. Examples of minor offences are: traffic offences, violations of public order, begging etc.

(2022): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease 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 and 2022.

(2021): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease 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.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2021 mostly due to the measures which continued to be implemented against the spread of Covid-19 virus in the reference year (e.g. number of persons in the court rooms was restricted). However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

(2020): Second instance courts have a dual subject matter in criminal matters. The second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics of second instance courts on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases within the jurisdiction of the second instance courts. These statistics do not include data on severe criminal cases managed by the three courts that are included in the category of supreme courts; their caseload in terms of criminal law consists of the first (i.e. one of the courts in this category has both first and second instance criminal jurisdiction), second and third instance severe criminal cases. There has been a significant decrease in the influx to the second instance courts of the aforementioned category of the first instance severe criminal cases over recent years. The trend advanced in 2020 due to the decrease of activity of public prosecutors and judges in the context of measures implemented against the spread of Covid-19 virus. In 2020, the number of incoming second instance criminal cases dropped additionally compared to 2019, due to Covid-19 restrictions decreasing the number of first instance court decisions. As a result, the number of appeals initiating the second instance severe criminal cases in 2020 was much lower than in 2019. Although the second instance courts resolved smaller number of severe criminal cases in 2020 compared to the previous year, they were able to exceed the 100% clearance rate during the reporting year. Accordingly, the number of pending first and second instance severe criminal cases declined significantly in the reporting period.

The second instance courts deal only with the appeal cases within their jurisdiction for misdemeanour cases. Even though the number of pending cases continued to rise considerably in relative terms in 2020, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, the number of those cases increased slightly in 2020 mostly due to the measures implemented against the spread of Covid-19 virus. However, certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable). Furthermore, many of the pending cases that are classified as other cases older than 2 years will become severe criminal cases once the procedural obstacles in those cases are removed for the commencement of the trial.

Note regarding 2019 data: During the analysis of data for 2020, a technical error was discovered in the Business Intelligence System. In 2019, the error caused that certain number of incoming and pending criminal cases could not be identified as severe criminal cases; instead, the Business Intelligence System included incorrectly those cases in the other cases category. The correct data for 2019 have been prepared in order to replace the previously included data for that year.

(2019): Second instance courts have dual subject matter in criminal matters. Second instance courts have first instance jurisdiction for criminal offences for which more than 10 years of imprisonment is prescribed, they also have second instance jurisdiction to decide on appeals against the decisions brought by the first instance courts for criminal offences for which up to 10 years of imprisonment is prescribed. The statistics on criminal law cases (Q 40, i.e. incoming, resolved, pending, pending older than two years) include both first and second instance cases.

There has been a significant decrease in the influx of severe criminal cases over recent years, including 2019; also, the decrease of the number of pending cases at the end of 2019 can be explained by the fact that the courts have achieved or surpassed the 100% clearance rate for severe criminal cases in the same period. The number of misdemeanor cases and other cases rose considerably in relative terms between 2018 and 2019, the increase is not as significant in absolute numbers.

When it comes to the statistics on pending severe criminal cases and other cases older than 2 years, it is important to note the following circumstances: The courts reduced significantly the number of pending cases older than 2 years in 2019 compared to 2018 due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Certain number of pending severe criminal cases, which are older than 2 years, cannot be resolved due to the circumstances that are outside of the responsibility of the courts (e.g. an accused person is not traceable).

Montenegro

(2022): During 2021 the High Court in Podgorica operated with 6 judges less. In the same year there were no new appointments to fill the missing judicial positions in the court. That affected the efficiency of the court, which is the one with the highest number of criminal cases in the second instance.

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

(2020): 1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases": High misdemeanor court

- Misdemeanor appeal cases (Pžp)

Clarification of discrepancies:

Total of criminal law cases (1+2+3) for pending cases on 1. jan RY In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Severe criminal cases for pending cases on 1 Jan. ref. year

In 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year. Also, in 2020, the number of unresolved cases remained lower at the beginning of the year, compared to the previous year.

(2019): "1. Severe criminal cases":

High courts and Appellate court

- Criminal appeal case (Kž)
- Special criminal appeal case (Kžs)
- Juvenile criminal appeal case (Kžm)

"2. Misdemeanour and / or minor criminal cases":

High misdemeanor court

- Misdemeanor appeal cases (Pžp)

North Macedonia

(2022): Category 1. In 2022, we still had some negative effects from Covid -19 virus on the proceedings before courts.

(2021): In 2020 when the President of the Republic of North Macedonia had adopted a decision for 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 courts in 2021.

Serbia

(2022): All answers were provided by the competent authority

(2021): Please note that all provided data do not cover Serbian Autonomy province of Kosovo and Metohija. Register of appeal cases with regard to confiscation of property (including cases of organized crime), 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 transfer of cases to other courts.

(2019): The answer to field 1 includes the following categories: Before courts of appeal: criminal proceedings involving appeals on first instance and second instance verdicts and decisions (separated registers in second instance by special departments); criminal proceedings against minors involving appeals; Before higher courts: criminal proceedings involving appeals (small appeal).

2 includes the following categories: for the Commercial Court of Appeal (Pkž), and the Misdemeanor Court of Appeal (PRŽ, PRŽM, PRŽI, PRŽU). These are the second instance proceedings before the Commercial and the Misdemeanor Court of Appeal regarding cases of commercial and misdemeanor courts as defined in question 94.2.

Column "Pending cases older than 2 years from the date the case came to the second instance court" is marked as NA since the requested data is not in gathered (Criminal Procedure Code methodology differs).

In relation to the previous reporting period, the following changes have been made: Field 1 also shows new categories of cases in courts of appeal (ex. KŽ2-Po3-Spk).

Q94.2: in 2014, 9,879 additional cases were handled by the Misdemeanor Appellate Court in addition to ordinary work, due to transfer of jurisdiction on appeals to decisions of administrative bodies, from 1 March 2014. By 2016, these cases have been absorbed and handled by the system, but a backlog remains. Besides, unlike the previous cycle, "other cases" which relate to criminal (94.1)/misdemeanour (94.2) cases and which are not "cases per se" even if a judge is intervening, have not been taken into account (5 pending cases, 1,371 incoming cases, 1,366 resolved, 10 pending at the end of the year (ex. related to decisions on detaining accused, competence issues, etc.)).

This table includes the following case categories:

40.1 Severe criminal cases: 1) appellate court cases (Kž, Kž1, Kžm1, Kž1 Po1 Kž1 Po2, Kž1 Po3, Kž1 VP, Kž2, Kž2 Po1, Kž2 Po2, Kž2 Po3, Kž2 Vp, Kžm2, Kž3, Kž3 Po2, Kžm, Kž3 Po1, Kž1-Spk, Kž2-Spk, Kž1-Po1-Spk, Kž2-Po1-Spk, Kž2-Po3-Spk) 2) higher court cases (Kž, Kž1, Kž2)

40.2 Misdemeanour and / or minor criminal cases: 1) Commercial appellate court (Pkž), 2) Misdemeanour Appellate court (_PRŽ, PRŽM, PRŽI, PRŽU)

40.3 Other cases – 1) appellate court cases (Krm, Kr, Kr Po1, Kr Po2, Kr Po3, Kr Vp, Kž-uo, Kž-Poi, Kžm-r, Kž-r, Kž-Kre, Kžr-As, Kžmr-As, Kž-Toi, Kž-Po2-uo, Kž1-r-Po1, Kž-Po1-Poi, Kž-Po1-Toi, Kž-Po1-uo, Kž-Po2-Kre, Kž-Po1-Kre, Kž-r-Po3, Kžm-Uo) 2) higher court cases (Kv SIK, Npž); 2) Misdemeanour Appellate court (PSD)

In relation to the 2016-2018 reporting period, the following changes have been made: "Other cases" shows the appeals of the higher and appellate courts against the "other criminal cases" enumerated in Q 38, as well as the complaints about the extension of the domestic violence measure.

Kosovo*

(2021): The discrepancy in misdemeanour cases is mostly because in the data of 2020, the numbers were not 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.

(2020): The decrease in numbers, as explained in Q35, is because of the national lockdown and other restrictive measures applied throughout the 2020.

Question 041

Albania

(2022): In the present condition of the CMS system, we cannot calculate the exact average length of proceedings. We use the disposition time as a proxy.

Bosnia and Herzegovina

(General Comment): Description of calculation method: The average length of court procedure is calculated as the average of time needed to resolve a case for cases resolved during the reporting year. The average length of court procedure for resolving the case is calculated separately for different phases of the court procedure - from the day of initiating the phase of the court procedure to its completion. The data are retrieved from the case management system.

Average total length of the total procedure:

The average length of the total procedure is calculated as the average of time needed to resolve a case for all cases resolved in the different phases of court procedure during the year. (e. g. The first instance employment dismissal case is resolved in 100 days from its lodging with the first instance court, second instance employment dismissal case is resolved in 120 days from its lodging with the second instance court, and third instance employment dismissal case was resolved in 120 days. The average length of the total procedure employment dismissal cases is calculated as follows: $100+120+120/3=113,3$ days.)

(2022): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year are consistent with the statistical information for such cases in 2021. 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.

The average duration of second-instance litigation and economic resolved cases decreased significantly due to the increase in the number of resolved cases in the largest courts of second instance in Bosnia and Herzegovina.

As in previous years, as far as other types of court cases are concerned 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2021): Generally, the relevant indicators regarding civil and commercial litigious cases for the reference year 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

Finally, it appears that the increase in the length of proceedings in the first instance court cases resolved in 2021 originated from the smaller number of disposed cases in 2020, following the Covid- 19 restrictions regarding the functioning of the courts.

(2020): Civil and commercial litigious cases:

Overall, in relation to the civil and commercial litigious cases, the relevant trends and indicators for 2020 are corresponding to the results the courts achieved in 2019.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before the first instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina.

Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides, Bribery cases, Trading in influence):

There is no particular explanation of the variations for other cases between 2019 and 2020. It is important to put these differences into the following contexts; the variations are registered within a relatively small number of cases, so the variations could be influenced significantly by the facts and circumstances of individual cases (e.g. robberies and intentional homicides) or the registered variations are high percentage-wise but they are not significant in absolute terms (e.g. litigious divorce cases, employment dismissal cases, insolvency cases). Furthermore, in 2020, Covid- 19 restrictions regarding the functioning of the courts affected differently their work on individual cases and case types. When it comes to the Bribery cases and Trading in influence cases, it is important to note that the prosecutors' offices and the courts in Bosnia and 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 Bribery and Trading in influence are dealt with together in conjunction with the Organized crime and other criminal offences.

(2019): Civil and commercial litigious cases:

The average length in 2nd instance resolved civil and commercial litigious cases increased in 2019, compared to 2018, because the second instance courts resolved significant number of old cases, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans. Also, the number of resolved old civil and commercial cases increased in some of the biggest second instance courts through temporary assignment of judges from other second instance courts with a smaller caseload. The average length in 3rd instance resolved civil and commercial cases was reduced in 2019, compared to 2018, due to the consistent implementation of the principle to deal with cases chronologically within their backlog reduction plans.

When it comes to statistics on civil and commercial litigious pending cases older than 3 years, it is important to note that the majority of those cases are litigious small claims cases, pending before 1st instance courts, related to the unpaid utility bills. This backlog of old litigious small claims cases for unpaid utility bills is concentrated in the several courts in the biggest cities in Bosnia and Herzegovina. Other cases (Litigious divorce cases, Employment dismissal cases, Insolvency cases, Robbery cases, and Intentional homicides):

There is no particular explanation of the variations for other cases between 2018 and 2019. 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).

Montenegro

(2021): The duration of proceedings related to Intentional homicide cases has been increased due to resolved 2018 cases.

The number of appeals filed in Litigious divorce cases Robbery cases has also decreased, and the number of appeals related to Employment dismissal cases has increased.

(2020): Clarification of discrepancies:

Employment dismissal cases in column % of decisions subject to appeal

In reference year there was a lower number of cases that went on appeal; Robbery cases in column % of decisions subject to appeal In the reference year, more cases went on appeal

In the column % of cases pending for more than 3 years for all instances in the row concerning Civil and commercial litigious cases, in the last reporting period the relationship with Unresolved cases was used, and this year realistic data concerning the relationship between Unresolved cases over 3 years of age were set in relation.

There are some variations between data of length of proceedings in 2019 and in 2020 which have not been 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 first instance and decrease in second instance for civil and commercial cases).

(2019): Note regarding the category "Litigious divorce case", criteria "% of cases pending for more than 3 years for all instances": precise percentage is 0,1% but it has been rounded to 0%.

Where necessary the data has been rounded (no decimals).

North Macedonia

(2022): It must be emphasized that the data are collected manually from the ICT system in all courts within North Macedonia. After that, the data are calculated manually in the courts and in the Ministry of justice (Excel calculation). Some of data are only from one court (for example: 130 days at first instance - trading in influence cases). 2/27 from courts didn't answer correctly to the tables, so 2 courts are excluded from calculations. According to this, the collection of data for these questions is without guarantees for total accuracy.

(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.

(2019): There are some variations in the average length of cases in 1st instance (in days) which cannot be explained due to this data being collected manually with all courts within North Macedonia.

Serbia

(General Comment): In order to calculate the average length of the court proceedings in days for the first and second instance, for insolvency, the following formula was used:
$$\text{pending} / \text{resolved} * 365$$

(2020): It is not possible to provide automatically this information. The AVP application enables certain information but in order to provide this information the courts need to make multiple individual inquiries in order to get the requested data – such is the case with the Litigious divorce case. It is even more difficult to gather information for Employment dismissal cases – all employment cases are registered within the same register so it would be very difficult for courts to extract the requested type of cases- dismissal cases. Therefore the information requested in this table in most cases is not available.

These data are not automatically available. They refer to registers given within the question 35 (Civil (and commercial) litigious cases. Not all of these cases can be submitted to the third instance (extraordinary legal remedies) . The length of the proceedings is calculated for each instance according to CEPEJ Disposition Time formula and not an average length.

Kosovo*

(2020): These data (only this year) are not available at this moment; until the Case Management System becomes fully functional.

Question 042

Albania

(General Comment): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, (Article 71) who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

Concerning the professional skills of the prosecutor, the assessment includes the legal knowledge and legal reasoning to conduct the investigation logically, gathering the evidence required by law, interpret the law and analyse jurisprudence, make investigative decisions and actions, clarity and the understanding of prosecution acts, the consistent and well-organized structure of prosecution acts, the ability to question and the quality of the analysis, and the logical reasoning of the prosecutor, etc.

HJC is the body responsible for determining the quality standards of the judiciary, including efficiency and quality. HJC is working on producing the sub-legal acts concerning standards, in cooperation with external partners. Furthermore, each Council publishes Standards of Ethics and Rules of Conduct. Hence, standards generally speaking standards are divided into performance related standards (quality and quantity of performance of magistrates) and behavioral related standards (ethics).

(2019): Yes, there are quality standards determined for the judicial system at national level approved by the Law “On the status of judges and prosecutors”, as amended, who are related to the assessment process of the prosecutors. The assessment is conducted according to the criteria of: a) professional skills; b) organizational skills; c) ethics and commitment to professional values and personal skills and; c) professional commitment of the prosecutor.

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Bosnia and Herzegovina

(General Comment): In December 2020, the High Judicial and Prosecutorial Council of 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.

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 prosecutors' offices and courts, which have a purpose to help the judicial institutions achieve the best possible results in terms of production and quality. The processes include meetings of departments (uniform application of the law, analysis of relevant case law, caseload, length of proceedings, backlog reduction plan etc.), quota system, adoption of yearly work plan, reporting on the yearly work plan implementation, preparation of yearly training programme by the judicial training institutions etc.

(2020): In December 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges, prosecutors, court presidents, and chief prosecutors. According to the criteria, the court presidents evaluate yearly judges in line with the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following parameters: a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court; b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

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(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

Montenegro

(General Comment): Rules for the evaluation of judges and presidents of courts, article 11 "A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage 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, such case shall not be included in the revoked decisions."

(2019): Rules for the evaluation of judges and presidents of courts, article 11

<http://sudovi.me/files/L3Nkc3YvZG9jLzIzNjEucGRm=>

"A judge who had 30% or more of revoked decisions in relation to the total number of cases in which it was decided in the same period - unsatisfactory; A judge who had less than 30% of revoked decisions in relation to the total number of cases in which it was decided in the same period - satisfactory. When calculating the percentage of revoked decisions, the case in which the decision was partially revoked counts as one half (0.5% of a case). If only a decision on costs was revoked, such case shall not be included in the revoked decisions."

North Macedonia

(General Comment): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - 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 provides quality indicators. Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Judicial Council defines qualitative and quantitative criteria for work of the courts. 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, publishing and drafting the decisions, the duration of the court procedure; and - quality of the judge's work in the part of the number of reversed decisions due to a serious violation of the procedure in relation to the total number of resolved cases.

(2021): The quality standards are part of the Law on the Judicial Council, the Law on Courts and the new by-law - 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 provides quality indicators.

(2019): Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council defines qualitative and quantitative criteria for work of the courts.

Within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring indicators for the justice sector performance . This Matrix beside others contains indicators for quality of justice.

Serbia

(General Comment): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts ("Official Gazette of RS", Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

The criteria for evaluating judges' performance are quality and quantity. The quality of work shows the ability and knowledge of the judge in the application of substantive and procedural law, while the quantity of work shows the efficiency in solving cases.

The benchmarks for evaluating the quality of work of judges are the percentage of decisions revoked and the time necessary to bring decisions. Quality evaluation is done by establishing for each benchmark an individual grade, and on the basis of established individual grades, the evaluation of the quality of work of judges is determined. Individual marks for the quality of work benchmarks are: "extremely successful", "successful" and "not satisfactory".

The criterion for evaluating the quantity of judges' work is a monthly standard, and for judges who do not have a sufficient number of cases in the work, the number of cases solved from the total number of cases in the work.

The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

(2019): Although quality standards for the judiciary as such do not yet exist, the Rulebook on criteria, indicators and procedure for evaluating the work of judges and presidents of courts (“Official Gazette of RS”, Nos. 81/2014, 142/2014, 41/2015, 7/2016) of the HJC provides for the evaluating the work of judges for the purpose of improving the efficiency of the judicial system, to preserve and improve the expertise, qualifications and responsibilities of judicial office holders, to encourage them to achieve the best results of their work, and to increase public confidence in the work of judges and courts.

The Rulebook stipulates that the evaluation of the work of judges and presidents of courts is expressed by a mark. The work of full-time judges and court presidents is regularly evaluated once every three years, and for judges who are first time elected evaluation is done once a year. Exceptionally, based on the decision of the HJC, the work of judges and presidents of courts may be extraordinary evaluated.

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.

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The benchmark of the judges' work is evaluated by the individual grade "extremely successful", "successful" and "not satisfactory". The judgments related to the evaluation of the judge's work are "extremely successful in performing the judicial function", "successfully performing the judicial function" and "not satisfactory".

Kosovo*

(2019): With regard to this and the following question, I changed the answer to NO, since, non of the judicial institutions were able to provide specific policies or documents which specifically address quality standards.

Question 043

Albania

(General Comment): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”.

(2019): On the performance related standards, implementation is assessed individually for each magistrate during its professional and ethical evaluation. This process includes a self evaluation by the magistrate, the chair and then the relevant Council. Additionally, for behavior related standards each Council appoints a magistrate as Ethics Advisor under the provisions of the Law “On the Governance Institutions of the Justice System”

Bosnia and Herzegovina

(General Comment): Court presidents and chief prosecutors have a responsibility to evaluate the performance of the judicial office holders. They also oversee the implementation of the normative framework outlining the systematic processes in the courts and the prosecutors' offices. Heads of departments support the chief prosecutors and the court presidents in overseeing the processes designed to improve continually the quality and efficiency of the prosecutors' offices and courts.

(2019): The new criteria for the evaluation of the performance of all judges and prosecutors in Bosnia and Herzegovina, which were adopted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in 2018, have introduced respective quality standards for reasoning of court and prosecutorial decisions and quality in conducting judicial procedures. The quality of decisions and conduct of court procedures is assessed by the court president. Different information sources will be used when evaluating the quality of court decisions and procedures, including the opinion of the court department head based on their ongoing monitoring of the performance of the judge and the opinion of the department of the immediately higher instance court. The quality of the prosecutor's decisions and conduct of procedures is assessed by the chief prosecutor. Information sources for the quality of the prosecutor's decisions and conduct of proceedings are the review of randomly selected cases and the additional sources of information such as the opinion of the department head based on their ongoing monitoring of the performance of the prosecutor and the opinion of the immediately higher instance prosecutor's office.

North Macedonia

(2021): The Judicial council has a role according to the laws and new adopted bylaws that allow easier 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 that are intended to support the Judicial Council in the proper implementation of bylaws.

- The new Law on the prosecution offices and amendments of the Law on the Public Prosecution Council from 2020 as well as new by-laws adopted in 2021 by the Public prosecutor of the Republic of North Macedonia and Public Prosecution Council allow better implementation of the standards.

(2019): Within the Judicial Council, there is staff responsible for defining qualitative and quantitative criteria, as well as following their implementation.

Question 058

Albania

(General Comment): High Judicial Council monitors the above-mentioned indicators, every six months, based on detailed reports of the courts. An annual report is produced each year.

High Inspector of Justice is the responsible body, which inspects citizens complains, for : procrastination of the process by the judges, unethical acts by judges..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan.

(2022): We can deduct the number of appeals and appeal ratio by the data that we gather but it is not an indicator directly reported by courts. Furthermore, it is not analyzed as part of a court functional indicator, it is used during the personal assessment of a judge. Regarding the "satisfaction of users", an online survey is being piloted in the First instance court of Tirana.

(2020): Based on this provision and based on the annual plan of Inspections, the High Inspector of Justice has approved the following decisions:

- Decision no. 1 dated 11.02.2020, "On conducting the thematic inspection of courts and prosecutor's offices near them on the treatment of requests subject to" Conditional Release ";
- Decision no. 1/1 dated 20.02.2020 "On the addition of the thematic inspection object determined by decision no. 1 dated 11.02.2020 of the High Inspector of Justice".

Bosnia and Herzegovina

(General Comment): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): Each court submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The annual report contains information concerning the court's performance against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

North Macedonia

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

Other:1. Percentage of annulled decisions in relation to the total number of resolved cases(article 84 p.3-Law on Judicial Council) 2.Valuation according to the number of altered decisions made in relation to the total number of resolved cases(Article 87) Law on Judicial Council

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

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- Up to 5% 20
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- From 10% to 15% 10
- From 15% to 20% 7
- From 20%to 30% 4
- More than 30% 0

Link to the methodology

http://www.vsrn.mk/wps/wcm/connect/ssrm/c59877ac-20f9-4c8d-a1a1-

cfafc8dd8b47/%D0%9C%D0%95%D0%A2%D0%9E%D0%94%D0%9E%D0%9B%D0%9E%D0%93%D0%98%D0%88%D0%90+%D0%97%D0%90+%D0%9E%D0%A6%D0%95%D0%9D%D0%A3%D0%92%D0%90%D0%8A%D0%95+%D0%9D%D0%90+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%90%D0%A2%D0%90+%D0%9D%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%88%D0%90+%D0%92%D0%A0%D0%97+%D0%9E%D0%A1%D0%9D%D0%9E%D0%92%D0%90+%D0%9D%D0%90+%D0%98%D0%A1%D0%9F%D0%9E%D0%9B%D0%9D%D0%95%D0%A2%D0%9E%D0%A1%D0%A2+%D0%9D%D0%90+%D0%9A%D0%92%D0%90%D0%9B%D0%98%D0%A2%D0%90%D0%A2%D0%98%D0%92%D0%9D%D0%98%D0%A2%D0%95+%D0%9A%D0%A0%D0%98%D0%A2%D0%95%D0%A0%D0%98%D0%A3%D0%9C%D0%98+%D0%97%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%A1%D0%9A%D0%9E%

(2021): Law on Judicial Council

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

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From 10% to 15% 15

From 15% to 20% 10

More than 20% 0

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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

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(2019): The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

Serbia

(General Comment): The number of appeals as such is not monitored. However, it is monitored how many cases were decided by higher instance and how it was decided (whether the judgment had been dismissed or amended, or case remitted to lower court). This indicates the quality of judicial decisions of lower courts.

The monitoring mechanism is set by the annual report of Supreme Court and the mechanism has not been changed in previous few years. One of the activities that are being monitored is the length of procedure. The annual report for 2022 can be found at following link, in Serbian: <https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova>

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Kosovo*

(2022): With the usage of the electronic system CMIS, it became also possible to generate and regularly monitor court activities based on the marked indicators.

(2021): The Judicial Performance Commission has competencies based on the following criteria: Personal integrity and general professional skills; Legal and technical skills; Professional engagement; Rate of realization of the norm; etc.

Question 059

Albania

(General Comment): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies performed from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

High Inspector of Justice is the responsible body, which inspects citizens complains, for: procrastination of the process by the persecutors, unethical acts by prosecutors..etj. Based on point 4 of article 194 of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, the Office of the High Inspector of Justice, conducts institutional and thematic inspections on every aspect of the work of courts, judicial administration, prosecutor's offices and administration of prosecution, based on the motivated written request of the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and the annual inspection plan.

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(2019): Regarding the High Prosecutorial Council, some of the performance and quality indicators are taken in consideration where they are related to the exercising of the legal competencies realised from the High Prosecutorial Council in the framework of the assessment of performance of the prosecutor.

Bosnia and Herzegovina

(General Comment): Each prosecutor's office submits an annual report on its work for the previous year to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and to the superior hierarchical chief prosecutor. The annual report contains information concerning the prosecutor's office against the indicators determined by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

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Kosovo*

(General Comment): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

(2019): The difference between the monitoring of the judicial and procedural performance is mainly due to the differences in functioning of these two institutions. For instance, length of proceedings is a performance indicator for judge but not for a prosecutor since the length of proceedings is out of the prosecutors' impact. To keep it short, the performance evaluation criteria are set out by two respective regulations: the regulation on the evaluation of performance of the judges and the regulation for the evaluation of performance of prosecutors.

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.

(2021): The court performance is assessed as part of the annual report but because there is no officially approved indicators yet, the court performance can not be evaluated.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the criteria for the performance evaluation of judges in December 2020. A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

- a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
- b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of court presidents in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota of the court, and the organization and management of the work of the court (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Montenegro

(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.

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure 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*

(General Comment): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web page of the KJC.

(2022): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These report are published online in the web page of the KJC.

(2020): Until this year, the evaluation of court performance has been done by using the performance of Judges as a reference. So, the performance of a court has been mainly attributed to the performance of the Judges in that particular court. Starting from this year, Kosovo Judicial Council has developed a dashboard in the Case Management Information System(CMIS), with specific indicators, in order to measure court performance. Unfortunately, we still do not have any data regarding the performance or the indicators used, since the CMIS is still not fully functional. However, after the discussion with KJC and CoE project in Kosovo which is supporting this activity, this CMIS feature concerning court performance will soon be tested, and from the next year, it will be used to generate dashboards and reports on court performance.

Question 049

Albania

(2022): The HJC has in place 2 different statistical reports: a yearly report based on CEPEJ methodology as well as a quarterly report. Both are analyzed by the statistic sector of the HJC. The decisions regarding human resources distribution, judges' appointments and transfers are based on these data.

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.

(2019): The regular evaluation of the activities of each court is carried out for a period of 6 months and annually. However, courts are obliged to submit reports for a period of one to three months if needed.

Serbia

(2022): Six month and Annual report

(2021): According to the Court Rules of Procedure(Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19, 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 to draft independently and some other reports.

(2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/2019), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are 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*

(General Comment): The Commission for the Evaluation of Judges' Performance has the competence to evaluate 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 once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years

(2019): There is a Statistical and Analysis unit inside the KJC who drafts yearly reports on the performance of the Courts based on the defined indicators. These reports are published online in the web page of the KJC.

Question 050

Serbia

(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports.

The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports.

Kosovo*

(General Comment): Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, 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 "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.

Question 051

Serbia

(General Comment): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

(2019): For example – delegation of cases to courts which are less burdened, implementing new specific work procedures concerning some types of cases, such as enforcement cases, election of new judges because of increase of number of cases (for example, in administrative disputes).

Kosovo*

(General Comment): Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, 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 the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

Question 052

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted 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 the performance evaluation of chief prosecutors in December 2020. The new criteria include the performance criteria in relation to management issues: the achieved collective target quota and collective quality of decisions of the prosecutor's office, and the organization and management of the work of the prosecutor's office (e.g. realization of the annual work plan, realization of the backlog reduction plan).

Montenegro

(General Comment): Average measure of prosecutor activity (As prescribed by the Rules for the evaluation of 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 work of that type of subject, and if it is less than 80%, he does not satisfy the grade according to that indicator. If the state prosecutor did not have a certain type of case in his work, he will not be evaluated in that type of case. Article 9 The quality of work is assessed on the basis of confirmed indictments, convictions and appeals. A state prosecutor who has 80% or more confirmed indictments in relation to the total number of indictments in which a decision was made in the same period satisfies, and a state prosecutor who has less than 20% confirmed indictments in relation to the total number of indictments does not satisfy. The state prosecutor who has 70% or more convictions in relation to the total number of convictions passed in the same period satisfies, and the state prosecutor who had less than 30% of convictions in relation to the total number of convictions in the same period, does not satisfy. The state prosecutor who has 30% or more of accepted appeals in relation to the total number of appeals filed against acquittals and convictions which were revoked on those appeals of the state prosecutor in the same period satisfies, and the state prosecutor who has less than 30% of accepted appeals in relation to the total number of appeals against acquittals and convictions that were revoked on those appeals of the state prosecutor in the same period is not satisfactory.

North Macedonia

(2019): Please note that these type of indicators for the public prosecution office are already developed from the beginning of 2020. The first national report for evaluation of the performance of the public prosecution offices was published in February 2020 in the framework of the project financed by the British embassy. However, to reflect the situation for the reference year 2019 the answer should be "No".

Kosovo*

(2021): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

(2020): Using the indicators ticked above, Kosovo Prosecutorial Council does the evaluation of prosecution services performance annually. The evaluation of performance is performed by the Unit for performance evaluation, in the Kosovo Prosecutorial Council.

Question 053

Albania

(General Comment): Referring to article 19/1, of the Law no. 97/2016 “On the functioning and organising the prosecution in the Republic of Albania”, as amended, the General Prosecutor publishes the annual report on the workload of the prosecutor's offices as well as recommendations for improving and increasing the effectiveness of their activity.

(2019): According to the Law “On the status of judges and prosecutors”, as amended, the assessment process of the prosecutors is periodic. The prosecutor is evaluated once every three years during the first fifteen years of professional experience and once every five years, after the first 15 years of professional experience. The head of the Prosecution office is evaluated at least once during his term of office. Whereas, the prosecutor acting as a member of the High Prosecutorial Council are assessed in accordance with the detailed rules adopted by the Council.

Montenegro

(General Comment): Annual. through the Annual report of the work of Prosecutorial Council and State Prosecution Service

Serbia

(General Comment): The Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents (“Official Gazette of RS”, Nos. 81/2014, 142/2014, 41/2015, 7/2016,), provides that the purpose of evaluation of judges and court presidents’ performance is to enhance efficiency of the judicial system, preserve and improve expertise, capacities and accountability of judges and court presidents, encourage judges and court presidents to achieve best possible work performance, maintain,strengthen public trust in the work of judges and courts, and career advancement.

Kosovo*

(General Comment): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the prosecution annually.

(2019): In the KPC also, there is a specific unit who drafts detailed reports on the performance of the prosecution annually.

Question 054

Kosovo*

(2019): As I explained in the other section, Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their 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, functioning and legislation, where needed.

Question 055

Montenegro

(2022): In accordance to the Law on State Prosecution Service, if the state prosecutor who was given the grade excellent is not promoted to a hierarchically higher state prosecutor's office within a year from getting the grade excellent, he/she shall be entitled to the salary in the same category as the salary of the head of the state prosecutor's office on the level where he/she discharges his duties.

Kosovo*

(General Comment): Kosovo Judicial Council and Kosovo Prosecutorial Council are two separate and independent institutions. Thus, they independently decide on performance indicators, policies, and internal regulations. For this reasons, they may have different performance indicators or criteria, let say, for recruitment procedures. As you may know, Kosovo is still working on enhancing and advancing its legislation in the Rule of Law Sector, so both KPC and KJC are working on advancing and aligning their legislation with 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, functioning and legislation, where needed.

Question 056

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior court president appraise annually the work of the lower instance court presidents.

(2020): Other: Hierarchical superior court president.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the courts in relation to management issues and to determine criteria for the work of courts and court presidents. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical court president monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the court presidents for a period of time specified by the law. The superior hierarchical court president appraise regularly the work of the lower instance court presidents.

Serbia

(General Comment): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

(2019): According to the Court Rules of Procedure (Official Gazette of the Republic of Serbia No. 110/09, 70/11, 19/12,89/13, 96/15, 104/15, 113/15, 39/16, 56/16, 77/16, 16/18, 78/18/16, 43/19 and 93/19), courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council.

Kosovo*

(2022): Based on Article 1 and 2 of Regulation 11/2016 on the evaluation of Judges' Performance. This regulation applies to all judges of the courts of Kosovo, except for jury judges and presidents of courts whose assessment will be regulated by a separate regulation. Evaluation Committee means the Committee responsible for evaluating the performance of judges, consisting of 13 members selected by the members of the KJC.

Question 057

Albania

(2021): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council

(2019): According to the Law “On the status of judges and prosecutors”, as amended, the head of the Prosecution office, where the prosecutor is exercising his/her duty presents an opinion on the activity of the prosecutor in accordance with the standards set by the High Prosecutorial Council.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina 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.

(2021): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina serves as the public prosecutorial council.

(2020): Other: the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and hierarchical superior public prosecutor.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible to provide instructions to the prosecutors' offices in relation to management issues and to determine criteria for the work of the prosecutors' offices and chief prosecutors. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the superior hierarchical chief prosecutor monitor regularly the implementation of those instructions and criteria. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints the chief prosecutors for a period of time specified by the law. The superior hierarchical chief prosecutor appraise regularly the work of the lower instance chief prosecutors.

North Macedonia

(2019): Despite of the absence of the performance evaluation system based primarily on the defined indicators for the public prosecution services in 2019 (see the answer to the Q052), the performance of the public prosecution services was nevertheless evaluated on a regular basis.

Serbia

(General Comment): RULEBOOK ON ADMINISTRATION IN PUBLIC PROSECUTIONS, Article 27

The Public Prosecutor's Office is obliged to prepare a report on the work of the Public Prosecutor's Office for the previous year by February 1 of the current year and submit it directly to the higher Public Prosecutor's Office.

The Republic Public Prosecutor determines the data to be entered in the report on the work of the Public Prosecutor's Office.

The report of the immediately higher public prosecutor's office also contains the reports of lower public prosecutor's offices.

Work reports are discussed at the Collegium, i.e. in the departments of the prosecution, before being submitted directly to the higher public prosecutor's office.

(2019): <https://www.cepej-collect.coe.int/GroupChapters/Edit/23542>

Question 060

Bosnia and Herzegovina

(General Comment): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

(2019): Courts prepare annual plans for resolving cases by their age. Before making plans for resolving cases, courts need to analyze the causes that have led to a large number of pending cases. Plans for dealing with pending cases must include the oldest unsolved cases. Courts are obliged to send information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina every six months about the realization of the plan for resolving the cases. Reports on the implementation of these plans must include information on the length of proceedings in resolved and remaining unresolved cases.

Montenegro

(General Comment): Every court president can monitor the backlog through the reports made for it 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.

North Macedonia

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

(2019): Judicial Council on regular bases monitor backlog of cases.

Serbia

(General Comment): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) 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.

(2019): According to the Court Rules of Procedure, courts quarterly, semi-annually, annually and in three-year period prepare reports on the work of the court. Those reports are done under prescribed, uniform methodology and are submitted directly to the Minister, to the higher court, the Supreme Court of Cassation and the High Judicial Council. Reports on the work are being made according to special forms and instructions prescribed by the Courts Rules of Procedure and are an integral part of it. The President is authorized in addition to these reports to draft independently and some other reports. The Supreme Court of Cassation evaluates the work of courts also through the Uniform Backlog Reduction Program, its IT (CMS) system and its statisticians – monthly, quarterly, semi-annual and annual reports. The Law on the Protection 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.

Question 061

Bosnia and Herzegovina

(General Comment): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

(2019): Waiting time (i.e. lack of activity by a court or a prosecutor office) during proceedings is monitored by the court presidents and the chief prosecutors. The relevant statistics are generated in the case management system.

North Macedonia

(General Comment): According to the Law on courts and Court Rules of procedure the court president monitors the waiting time through the deadlines prescribed in the procedural laws (Law on civil procedure, Law on criminal procedure and Law on administrative procedure). For example in Law on civil procedure are prescribed deadlines for the labour disputes. Here is also the basic principle of a trial within a reasonable time. About the Public Prosecutor's, please see article 28 from the Law on Public Prosecutor's office: "Article 28 (1) The supervision of the lawful and timely execution of the public prosecutorial function of the lower public prosecutor's offices shall be performed by the higher public prosecutor's office. (2) The supervision of the lawful and timely execution of the public prosecutorial function of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be performed by the Public Prosecutor's Office of the Republic of North Macedonia. (3) The supervision of the administrative work of the public prosecutor's office 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 Council of Public Prosecutors of the Republic of North Macedonia. (5) The regulations on the internal operation of the public prosecutor's offices shall be adopted by the Chief Public Prosecutor of the Republic of North Macedonia.

(2019): Court president is obliged to monitor waiting time during court procedures. Chief of the public prosecution office is obliged to monitor waiting time .

Serbia

(General Comment): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings. The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

(2019): The Law on the Protection of the Right to Trial within a Reasonable Time ("Official Gazette of the Republic of Serbia", No. 40/2015) provides judicial protection of the right to trial within a reasonable time and that way prevents violation of the right to a trial within a reasonable time. Judicial protection of the right to a trial within a reasonable time includes an investigation conducted by a public prosecutor in criminal proceedings.

The duration of judicial proceedings is monitored and it is reflected within the court reports. Also, there are mechanisms for acceleration of the proceedings.

Kosovo*

(2022): Based on Article 2 of Regulation No. 04/2020, On the Authority, Organization and Functioning of the Judicial Inspection Unit, conduct studies to assess the efficiency of judicial procedures, assess the internal functioning of individual courts in a regular manner to identify weaknesses in the work of the courts.

Criminal procedure Code foresees all time frames within which prosecutors shall complete respective actions regarding a case. Prosecutors who fail to respect those deadlines are sanctioned through work assessment, performance evaluation and disciplinary measures.

Question 061-1

Albania

(2022): the answer is N/A

Bosnia and Herzegovina

(General Comment): The court will, as a rule, determine the date of the preparatory hearing in the litigation procedure with prior consultation with the parties.

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

During the preparation for the main trial in criminal proceedings, the judge or presiding judge may hold a hearing with the parties to the proceedings and the defence attorney to consider issues relevant to the main trial.

Serbia

(General Comment): Under the Law on Civil Procedure, 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 time-frame 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 at the hearings and taking of other procedural actions, court time frames, and total time of the main hearing.

At the initial, preparatory hearing, pursuant to the Criminal Procedure Code. The preparatory hearing, scheduled after the indictment is confirmed by the court, could be considered as a form of dialogue between the public prosecution service, court 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 with the prosecutor, defendant, defense counsel, the aggrieved party, legal representative of the prosecutor and aggrieved party, and if needed an interpreter, will be summoned to the preparatory hearing.

Question 062

Albania

(2022): High Judicial Council

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

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

(2019): High Judicial Council and Ministry of Justice

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the courts in Bosnia and Herzegovina. The web page of the 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

(2022): 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 of Justice and the State Statistical Office.

(2022): Judicial Council is responsible institution for collecting statistical data regarding the functioning of the courts. Certain statistical data are collected in the courts, the Supreme Court, Ministry of Justice and the State Statistical Office.

(2021): Also, certain statistical data are collected in the courts, the Supreme Court, the State Statistical Office and the Ministry of justice.

(2019): Beside Judicial Council certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

Serbia

(General Comment): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection 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

(2022): The Supreme Court of Cassation, Belgrade – 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, 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 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en>;

(2021): The Supreme Court of Cassation

(2020): The Supreme Court of Cassation

(2019): Functioning of the courts: The Supreme Court of Cassation, Belgrade, Nemanjina 9 – collection and processing of the greatest number of data and preparation of an “Analysis of the performance of courts of general and special jurisdiction”, <http://www.vk.sud.rs/>; Ministry of Justice, Belgrade, Nemanjina 22-26 - collection and processing of data – certain indicators on the performance of courts; statistics on criminal policies i.e. penalties imposed by courts, <https://www.mpravde.gov.rs/>; High Judicial Council, Belgrade, Resavska 42 - collection and processing of data on the performance of judges, <https://vss.sud.rs/en>; Statistical Office of the Republic of Serbia, Belgrade, Milan Rakic 5, <http://www.rjt.gov.rs/>; Functioning of the public prosecution: Republic Public Prosecutor Office, Belgrade, Nemanjina 22-26, <http://www.rjt.gov.rs/>.

Question 063

Albania

(2022): The statistical data concerning all courts are part of the HJC annual report accessible here: <https://klgj.al/raporte-klgj/>

The individual statistical data for each court are also accessible in their annual report

(2019): <http://drejtesia.gov.al/wp-content/uploads/2019/07/Vjetari-Statistikor-2018-PDF.pdf>

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of 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 each court.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each court.

North Macedonia

(General Comment): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site. State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk

(2021): Judicial Council for its work and workload in the courts on the web site: <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: www.stat.gov.mk

(2019): Judicial Council publishes in its own reports some statistical data regarding the functioning of the courts on the web site. State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk

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.

(2022): <https://www.vk.sud.rs/sr-lat/godi%C5%A1nji-izve%C5%A1taj-o-radu-sudova>

(2019): On the website of the Supreme Court of Cassation - Annual and six month reports on the work of all courts are published - <https://www.vk.sud.rs/en/annual-report-work-courts>. Also, courts publish their individual reports on their internet presentations.

Kosovo*

(2022): Internally on an intranet website also available.

Question 064

Albania

(General Comment): According to Article 50, of the Law “On the organization and functioning of the prosecution in the Republic of Albania”, the General Prosecution Office is responsible for collecting statistical regarding the functioning of the public prosecution services. The reports are published in the official website of the General Prosecution Office on the link: http://www.pp.gov.al/web/Raporte_18_1.php#.YBkrXOhKhaQ . The name and the address is: General Prosecution Office, Rr. “Qemal Stafa”, Nr.1, Tirana, Albania - www.pp.gov.al

(2022): General Prosecution Office. (St.Qemal Stafa No.1 Tirana, Albania, www.pp.gov.al)

(2019): http://www.pp.gov.al/web/Statistika_19_1.php

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina. Kraljice Jelene 88 Sarajevo.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina is responsible for collecting statistical data regarding the functioning of all the prosecutor’s offices in Bosnia and Herzegovina. The web page of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina is: <https://vstv.pravosudje.ba/>

Montenegro

(General Comment): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

(2022): Secretariat of the Prosecutorial Council; address: Oktobarske revolucije No. 78 81000 Podgorica

(2019): The Prosecutorial Council forms the Commission for drafting Annual Performance Report of the Prosecutorial Council and the State Prosecution Office for the previous calendar year to be considered and adopted at the session.

In the Secretariat of the Prosecutorial Council within the Department for General and Human Resources Affairs, the position of an Independent Advisor I - Advisor for Statistical Reporting and Data Analysis was systematised.

Serbia

(General Comment): Republic Public Prosecutor's office website www.rjt.gov.rs

(2022): Republic Public Prosecution Office, Nemanjina 22-26, Belgrade

(2020): Republic Public Prosecutor

(2019): Republic Public Prosecutor's Office website: www.rjt.gov.rs

Kosovo*

(2022): Office of Statistics with the Prosecutions Performance review unit in Kosovo Prosecutorial Council is responsible for collecting and analysing the statistics regarding the work of all prosecution offices of Kosovo

Question 065

Albania

(2022): https://www.pp.gov.al/Dokumente/Raporte_te_Prokurorive_te_Rretheve_Gjyqesore/

(2019): http://www.pp.gov.al/web/apeli_tirane_raport_2017_1334.pdf

An example of the annual report of the Tirana Appeals Prosecution Office

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina prepares an annual report describing the state of the judiciary, including recommendations for improvement. The report is delivered to the legislative authorities and the ministries of justice for information. The report is published on the website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. The report includes statistics on the functioning of each prosecutor's office.

North Macedonia

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

(2021): 1. Public Prosecutor's Office of the Republic of North Macedonia for its work and for the work of other 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/>

(2019): Public Prosecution Office publishes its reports on the web site.

Serbia

(General Comment): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%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%D1%80>

(2022): www.rjt.gov.rs

(2019): Please see link containing the reports of all the ppo's:

<http://www.rjt.gov.rs/ci/%D0%98%D0%BD%D1%84%D0%BE%D1%80%D0%BC%D0%B0%D1%86%D0%B8%D1%98%D0%B5-%D0%BE-%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%D1%80>

Kosovo*

(2022): The report for 2022 is not yet finalised

Question 066

Albania

(General Comment): The reports are intended for internal use and are composed of the statistical data (case flow, case management, etc.), productivity of judges, shortfalls and issues evidenced. The table of contents of an annual report of a court is as follows:

- I. Introduction
- II. Judicial Activity
 1. The burden and type of litigation.
 2. Trend of load with issues.
 3. Resolving issues.
 - a. Criminal Matters
 - b. Criminal claim
 - c. Pre-trial criminal claim
 - d. Criminal-administrative claim
 - e. Civil matters
 4. Charges for judges.
 - a. Delegations of judges
 5. Control of decision-making by higher courts.
 6. Speed in judgment.
 7. Refuses to adjudicate cases.
 8. Exclusions of judges from adjudication of cases.
- III. Judicial Case Management
 1. Monitoring the progress of issues.
 2. Electronic system of management of court cases.
- IV. Administrative management of the court
 1. Organics and Human Resources.
 2. Information technology.
 3. Provision of services by the judicial administration.
 4. Accessibility, transparency, public relations and the media.
 5. Security and security issues in court.
 6. Administration of public funds.
 7. Relations with other institutions.

Its target its mainly the Councils, MoJ and other relevant institutions, however it can be disseminated to the public.

(2019): 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.
 7. Relations with other institutions.

Its target is mainly the Councils, MoJ and other relevant institutions, however it can be disseminated to the public.

Bosnia and Herzegovina

(General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance court, the relevant legislative body and the relevant ministry of justice.

Montenegro

(General Comment): The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court.

(2019): The Law on Courts provides that the President of the court shall be obliged to report on work of the court to the Judicial Council and the Ministry, not later than 10 February of the current year for the previous year, and to publish it on the website of the court. The contents of the annual report on the work of the court is prescribed by the Court Rules of Procedure. The report contains: the total workload of each department or individual councils and single sitting judge, the number of pending cases at the beginning of the reporting period, the number of cases filed, the number of closed cases and the way of dealing with, the number of unfinished cases at the end of the reporting period, the number of decisions performed after termination of the legal deadline, length of the exceeded deadline and number of the adopted control requirements, analysis of the work of the court, observed problems and deficiencies, as well as measures to be taken to remove them in order to achieve efficiency. These reports, which are produced on a periodic basis, are intended to control the efficiency and effectiveness of the work of the courts, by the President of the Court, the President of the High Court, or the President of the Supreme Court

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.

(2019): All courts draw up a six-monthly and annual report on their work in accordance with the Court Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit the Program for Resolution of Old Cases with the action plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Additionally, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public importance (Art. 39), to publish information on its activities, organization etc. This information is available at the website of each court. (see for example website of the Supreme Court of Cassation (<http://www.vk.sud.rs>)).

Question 067

Albania

(2019): Courts are required to submit periodic reports to HJC on workload of judges, backlog of cases, ethics, audio recording, etc

North Macedonia

(2021): Reports are available on the following web site: www.sud.mk

(2019): Reports are available on the following web site: www.sud.mk

Serbia

(General Comment): All courts prepare three month report, six-month and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The Courts also draft and submit their individual Program for Resolution of Backlog Cases and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Monitoring (visiting) Plan of courts within their jurisdiction. Courts also prepare annual schedule of work of judges and judicial assistants, etc.

Moreover, all state authorities, including courts are obliged in accordance with the Law on Free access to information of public Importance (Art. 39) , to publish information on its activities, organization etc. This information is available at the website of each court . (see for example website of the Supreme Court of Cassation (<http://www.vk.sud.rs>)).

(2019): All courts draw up a six-monthly and annual report on their work in accordance with the Rules of Procedure. In accordance with established reporting parameters, they submit their reports to the Supreme Court of Cassation and the Ministry of Justice. The courts also draft and submit the Backlog Reduction with the Activity Plan and submit it to the Supreme Court of Cassation. All courts, except the first instance, draw up a Court Monitoring Plan of courts within their jurisdiction.

Kosovo*

(2022): The Secretariat of the KJC, on a regular basis, prepares reports for the KJC, in which statistical data are presented on court cases that are received by the SMIL Case Management System. Data on the number of judges and engaged administrative staff are also prepared.

These reports are published on the KJC website and are public.

(2021): In the Department of Statistics at the Kosovo Judicial Council

Question 068

Montenegro

(General Comment): The president of the court is obliged to submit the report on the work of the court to the 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, as well as to monitor the application of regulations. These obligations are prescribed by the Law on courts.

Serbia

(General Comment): Internet (Annual and six month report on work of courts)

Intranet website

Paper distribution – sometimes in paper – Annual report

(2019): Six-monthly and annual reporting.

Kosovo*

(2022): More frequent reports are also available.

(2021): An annual report is published each year but also other reports on a more frequent basis.

Question 069

Albania

(General Comment): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

(2021): According to Article 50, of the Law "On the organization and functioning of the prosecution in the 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 and the organigram; data on income and expenses, legal references, implementing the international obligations. Furthermore, in accordance with the Law nr. 97/2016, each prosecution office has the obligation to prepare an annual report on the prosecution activity, including the above mentioned activities. These reports are presented to the General Prosecutor Office

(2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Bosnia and Herzegovina

(General Comment): The report is delivered to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

(2019): The report is delivered for information to the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the immediately higher instance prosecutor's office, the relevant legislative body and the relevant ministry of justice.

Montenegro

(General Comment): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the status and trends of crime in the previous year.

(2019): Performance reports of state prosecutor's offices contain data related to the number of cases received and resolved during a reporting year, problems and deficiencies in their work, as well as measures to be taken to remedy the identified deficiencies. Annual Performance Report also contains data on the 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

(2021): Regular activity reports to: the Council of Public Prosecutors, Public Prosecutor's Office of the Republic 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.

Serbia

(General Comment): Every public prosecutor's office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor's Office is preparing aggregated annual report of all prosecutor's offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions' performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor's Office and made available for the public.

Kosovo*

(2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

Question 070

Albania

(2020): There is no legal providing for the medium of the publication of the report. The report is published in a format that would allow quick dissemination. This year, costs have also been taken into consideration for such publication.

(2019): As provided in article 148/b of the Constitution, the General Prosecutor reports to the Assembly on the status of criminality. In line with article 104 of law 97/2016 "On the organisation and functioning of the Prosecution Office in the Republic of Albania", the report is submitted at least once per year, and includes any data and explanation on the number, type, territorial extent, intensity and forms of criminality. Additionally, by decision no. 134/2018 of the Assembly, the report should also include information on the internal organisation of the institution, including the structure and its organisational chart; information on income and expenses, legal bases, enforcement of international obligations etc. Additionally, any prosecution office, based on article 50 of the law 97/2016, prepares within February of each year, its yearly report on the performance of each prosecution office and submits it to the General Prosecutor. The Report is published in the internet page of the General Prosecution Office.

Montenegro

(2022): In 2022, the Methodology for preparation of the annual report was adopted, which is an official document for the preparation of the annual report that contains necessary data that are integral part of the annual activity report of the Prosecutorial Council and State Prosecution Office. The complete report is submitted to the Parliament of Montenegro for consideration, in accordance with Article 41, para. 4 of the Law on State Prosecution Office.

North Macedonia

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

(2019): Reports are available on the following web site: www.jorm.gov.mk

Serbia

(2022): Every public prosecution office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecution Office is preparing aggregated annual report. 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. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecution Office and made available for the public.

(2019): Every public prosecutor`s office is required to prepare annual reports on their work. Based on those reports, the Republic Public Prosecutor`s Office is preparing aggregated annual report of all prosecutor`s offices. This report includes all relevant statistical data – number of reported persons, undertaken activities for criminal acts foreseen by the Criminal Code and other laws, i.e. investigation and indictments, data on first instance court decisions, etc. Furthermore, this report contains data on prosecutions` performance compared to previous year, trends, challenges and improvements in implementation of various criminal law institutes. Also, activities undertaken in line with national strategic documents and activities within the EU accession process are reported. Annual report is presented to the National Assembly and is published on the web site of the Republic Public Prosecutor`s Office and made available for the public.

Kosovo*

(2022): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

(2021): Every prosecution office reports quarterly in KPC regarding the number of cases received, number of 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.

(2019): Each prosecution office reports quarterly in the meetings of the Kosovo Prosecutorial Council regarding number of cases received, number of cases solved, manner of solving cases and other topics regarding the functioning of the prosecution offices. In addition, at the end of each year, a report is drafted regarding the work of all prosecution offices for that year and a separate report regarding the work of Kosovo Prosecutorial Council.

These reports are published in the websites of KPC and State Prosecutor.

Question 071

Kosovo*

(2022): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

(2021): The KPC work report is published annually and the State prosecutor work report is published every 6 month and annually.

Question 074

Bosnia and Herzegovina

(General Comment): Q 074 The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of 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 court case within a given case category and its weight.

(2019): The Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of judges, judicial associates, court presidents, court department heads, and court mentors in all courts in Bosnia and Herzegovina, as well as other issues of significance for monitoring and measuring work within the regular courts of Bosnia and Herzegovina. The Book of Rules sets monthly and annual quota for each type of a court case within a given case category and its weight.

Montenegro

(General Comment): Ministry of Justice adopts the Rulebook on indicative benchmarks for determining the necessary number of judges and civil servants and state employees in court.

North Macedonia

(General Comment): The quantitative criteria for the performance of the judge are: - the scope of his work, 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 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: Up to 5% - 20 points, from 5% to 10% - 15 points, from 10% to 15% - 10 points, from 15% to 20% - 7 points, from 20%to 30% - 4 points, more than 30% - 0 points.

(2019): These targets are different according to the type of cases.

Serbia

(General Comment): Performance of judges with a standing tenure of office and court presidents' shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily. Criteria for evaluation of judges' performance are quality and quantity. Standards for evaluating quality of judges' performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges' performance quality is determined. Individual grades for quality standards are as follows: "outstandingly successful", "successful" and "unsatisfactory". Standard for quantity evaluation of judges' performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges' quantity performance shall be conducted by evaluating the judges' quantity standard by an individual performance grade, i.e. "outstandingly successful", "successful" and "unsatisfactory".

(2019): Performance of judges with a standing tenure of office and court presidents' shall regularly be conducted once every three years, and in judges elected for the first time- once a year. Exceptionally, based on the Decision of the High Judicial Council performance of judges and court presidents may be evaluated extraordinarily (Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents "Official Gazette of RS", No. 81/2014, 142/2014, 41/2015, 7/2016). Criteria for evaluation of judges' performance are quality and quantity. Standards for evaluating quality of judges' performance shall be the percentage of repealed decisions and time for drafting decisions. Quality evaluation is performed by determining individual grade for each standard, and based on determined individual grades, final evaluation grade of judges' performance quality is determined. Individual grades for quality standards are as follows: "outstandingly successful", "successful" and "unsatisfactory". Standard for quantity evaluation of judges' performance is monthly caseload quota, and for judges not having sufficient number of pending cases, standard for quantity evaluation shall be the total number of closed cases against the total number of pending cases. Evaluation of judges' quantity performance shall be conducted by evaluating the judges' quantity standard by an individual performance grade, i.e. "outstandingly successful", "successful" and "unsatisfactory". Articles 17-26 of the Rules provide more detailed ruled on how quantity (efficiency) of judicial performance is evaluated. This is done based on the number of cases disposed by a judge over a period one month against the number of cases they should dispose- monthly caseload quota. The monthly caseload quota pertain to the cases adjudicated on merits, whereas three cases disposed of in some other manner shall be regarded as one case adjudicated on the merits. Derogating from paragraph 2 of this Article, in higher and appellate courts five closed cases in Kž and Kž2 subject matter shall be regarded as one case adjudicated on merits. In appellate court, five closed cases in Kžm2 subject matter shall be regarded as one case adjudicated on the merits. Three pending cases protecting the right to a trial within a reasonable time period decided on based on the objection to accelerate the procedure and appeals, shall be regarded as one case adjudicated on merits. Two cases closed by entering into mediation agreement shall be regarded as one case adjudicated on merits. If a judge is unable to achieve the monthly caseload quota due to insufficient number of pending cases, the Commission shall take into account the total number of closed cases against the total number of pending cases. If a judge has handled cases of different types, the quantity of his performance shall be established by adding together percentages for each case type and by comparing it against the monthly caseload quota for that matter, provided that Commissions shall assess all the types of disposed cases specified by the Rules of Court Procedure and the law, but not mentioned herein.

Kosovo*

(2019): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

Question 075

Albania

(2020): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation. Assessment is done based on the yearly statistical data that are collected from each court, based on predetermined criteria. Standard forms for this exercise (collection of data) have been recently approved by the Council

(2019): Each judge is assessed by the High Judicial Council as part of its period professional and ethical evaluation

Bosnia and Herzegovina

(General Comment): Q075 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of Judges, Judicial Associates of the Courts in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

North Macedonia

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

(2022): Judicial Council according to the Law on Judicial Council is responsible body for setting the targets for judges. For more explanations, please see the general comment.

(2019): Judicial Council is responsible body for setting the targets for judges.

Serbia

(General Comment): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents 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.

(2020): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents ("Official Gazette of RS" and "Official Gazette of FBiH", 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.

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Kosovo*

(General Comment): Actually, there is no regulation or internal act that regulates performance targets for judges. There is a so-called "oriented norm" which is not officially approved, based on which judges work. This norm/target is 330 cases a year for a first instance judge and 360 cases for a second instance judge. The KJC is actually undergoing some analysis with regard to performance targets in order to draft a specific regulations on performance targets for judges.

Question 075-1

Albania

(2021): It is part of ethical and professional evaluation of judges. As such it influences the final score and therefore the career of the judge

(2020): Other: It is part of the professional and ethical evaluation of judges. As such, it influences the final score, therefore the career of the judge.

Bosnia and Herzegovina

(General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

Montenegro

(2022): According to the Law on Judicial Council, a disciplinary offence is if judge does not accomplish 50% of quantity of work in relation to the average quantity benchmarks in particular category of cases, unless a judge provides a reasonable justification on reasons not accomplishing results in terms of quantity of work. Quantity benchmarks are established by Judicial Council

North Macedonia

(General Comment): The evaluation system of judges according to our system is composed by two components qualitative and quantitative criteria. The qualitative criteria in terms of the quantitative are in the ratio of 60% versus 40% in the formation of the final grade. If a judge is evaluated negatively in two 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.

The Art.26 b of the Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents prescribes that the judge who has been evaluated as "unsatisfactory" is referred to mandatory training.

(2022): not be appointed to permanent office or to be referred to mandatory training

(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

(General Comment): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment. The evaluation of magistrates is based on the following sources:
 - a) Personal file of the magistrate;
 - b) Statistical data, according to the provisions contained in Article 90 of this Law;
 - c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
 - ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
 - d) The opinion of the chairperson;
 - dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
 - e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
 - ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
 - f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
 - g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
 - gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate 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 evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

- a) Evaluates the activity against the evaluation criteria;

- b) Provides an analysis of the statistical data referring the magistrate's activities;
- c) Describes the steps taken for meeting the objectives set out in the previous evaluation;
- ç) Describes the extent to which these objectives have been met providing the respective explanation;
- d) Defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period. Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

(2019): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;
- g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;
- gj) Any other information that shows the professional development of the magistrate

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After the first 15 years of professional experience as magistrate, each magistrate is evaluated once every five years.

Initially, the magistrate conducts a self evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

- a) Evaluates the activity against the evaluation criteria;

- b) Provides an analysis of the statistical data referring the magistrate's activities;
- c) Describes the steps taken for meeting the objectives set out in the previous evaluation;
- ç) Describes the extent to which these objectives have been met providing the respective explanation;
- d) Defines the objectives for his/her professional development in the upcoming evaluation period;
- dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period.

Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

Bosnia and Herzegovina

(General Comment): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of judges.

Judges of the courts in Bosnia and Herzegovina are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, analytical quality of work and decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;

b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

The analytical quality of work and decisions shall be evaluated by assessing the following sub-criteria: a) Consistency of the introduction, enactment clause and reasoning of a court decision with the procedural provisions that prescribe their content, especially concerning any requests, objections, claims from the appeal, as well as the existence of clear instruction for the lower instance court in the event of the decision being reversed;

b) The quality of reasoning of court decisions concerning the ability to properly assess evidence and properly and fully establish the state of facts, legal analyses and analytical opinions, consistency in presenting the reasoning, knowledge and application of regulations and caselaw, including the application of international agreements and practices of the European Court of Human Rights and other international courts;

c) Oral and writing skills, especially the ability to legibly and concisely express and apply the appropriate legal terminology;

d) Communication with parties, other authorities and relationship with associates;

e) Quality in conducting procedures with particular consideration for:

The ability to solve complex cases;

Trial preparation through proper preparations for main hearings/trials, precise definition of actions that need to be carried out at hearings and evidence that needs to be presented as well as the concentration of evidence; Conducting procedures in accordance with the principles of efficiency and economy, avoidance of undue postponing and adjourning of hearings and by taking legal measures to ensure the presence of the accused, litigants, witnesses and expert witnesses, measures to prevent any abuse of the procedural rights of the parties and other participants, adherence to legal deadlines in scheduling hearings/trials, and taking legal measures, which must be reflected in the minutes of the hearings, to finalize disputes through court settlement;

Promptness in drafting and dispatching court decisions;

f) Willingness to assume additional work in connection with the performance of judicial duties especially mentoring, contributing to the work of the court or court department (participation in preparing the court bulletin and similar activities), cooperation with training and advanced training efforts (including publication of law papers or books, educational activities), international cooperation and cooperation involving legislative procedures (participation in working groups tasked with drafting of laws and other regulations), as well as other judicial activities, specialist and postgraduate studies.

Montenegro

(General Comment): The Law on the Judicial Council and judges prescribes criteria for appraisal of judges' work. 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 requests in the cases of the judge and the decisions on the control requests, as well as the data on the number of cases in which a judicial decision was not made within the statutory deadline; 5) Records obtained through control of work of the court; and 6) A report of the legal person authorized for training of judges.

North Macedonia

(2020): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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.

(2019): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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.

Serbia

(2020): According to Art. 33 of the Law on Judges, performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to evaluation are decided on by the commission composed of three members appointed by the Council from among judges of the Supreme Court of Cassation (article 33). Performance of judges with tenure of office and court presidents is regularly evaluated once in three years and of judges elected for the first time once a year.

(2019): According to Art. 33 of the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012-decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), performance evaluation of judges and court presidents is evaluated by commissions of the High Judicial Council. The commissions are composed of three members, whereby judges of higher instance evaluate the work of judges and court presidents at lower instance. Objections to 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*

(General Comment): The chapter 4 of the regulation no. 11/2016 of the Kosovo Judicial Council, specifies the procedure of evaluation of judges' efficacy. The efficacy of the judges' work is evaluated based on a set of criteria: 1. meeting or exceeding their working norm

2. comparing the number of resolved cases by the judge to the average of resolved cases in that court, in the same category of cases;

3. Comparing the number of pending cases of the judge to the average of pending cases in that court(where judge works)

4. Case complexity. These are the main criteria. However, there are also other factors taken into the consideration, such as the absence of the judges because of the training or holidays, annual leave, medical leave, and other engagements in working groups from the Kosovo Judicial Council or other institutions as foreseen by the existing laws.

(2022): Based on Article 6 of Regulation 11/2016 on the Evaluation of Judicial Performance, of the KJC.

- The assessment can also be more frequent.

The Commission for the Evaluation of Judges' Performance has the competence to evaluate 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 once before the expiration of the initial mandate for the purpose of reappointment. Permanent judges are evaluated every 3 years.

Pursuant to Article 14 of the Regulation on the evaluation of the performance of judges, 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 "very good". The evaluation commission will compile a Guide for the evaluation of judges for each indicator which will be made public to judges before the evaluation process begins.

Pursuant to Article 3.19 of the Regulation on the Evaluation of Judges' Performance, 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 the evaluation process constitutes a disciplinary violation and will be treated according to applicable law.

(2019): Every three years

Question 076-1

Bosnia and Herzegovina

(2020): Q076 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of judges in December 2020.

A judge Bosnia and Herzegovina is evaluated by the court president yearly according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual case resolution plan, and statistical quality of decisions. The statistical quality of decisions issued by a judge is evaluated based on the following sub-criteria:

- a) the percentage of reversed decisions compared to the total number of decisions upheld, modified and reversed by a higher instance court;
- b) the percentage of reversed and modified decisions compared to the total number of cases in which a final decision was rendered to which a legal remedy may be filed with the higher instance court.

North Macedonia

(General Comment): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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 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.

Link to the Methodology:

http://www.vsrn.mk/wps/wcm/connect/ssrm/c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47/%D0%9C%D0%95%D0%A2%D0%9E%D0%94%D0%9E%D0%9B%D0%9E%D0%93%D0%98%D0%88%D0%90+%D0%97%D0%90+%D0%9E%D0%A6%D0%95%D0%9D%D0%A3%D0%92%D0%90%D0%8A%D0%95+%D0%9D%D0%90+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%90%D0%A2%D0%90+%D0%9D%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%88%D0%90+%D0%92%D0%A0%D0%97+%D0%9E%D0%A1%D0%9D%D0%9E%D0%92%D0%90+%D0%9D%D0%90+%D0%98%D0%A1%D0%9F%D0%9E%D0%9B%D0%9D%D0%95%D0%A2%D0%9E%D0%A1%D0%A2+%D0%9D%D0%90+%D0%9A%D0%92%D0%90%D0%9B%D0%98%D0%A2%D0%90%D0%A2%D0%98%D0%92%D0%9D%D0%98%D0%A2%D0%95+%D0%9A%D0%A0%D0%98%D0%A2%D0%95%D0%A0%D0%98%D0%A3%D0%9C%D0%98+%D0%97%D0%90+%D0%A1%D0%A3%D0%94%D0%98%D0%A1%D0%9A%D0%9E%D0%A2%D0%9E+%D0%A0%D0%90%D0%91%D0%9E%D0%A2%D0%95%D0%8A%D0%95.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE.Z18_L8CC1J41L0B520APQFKICD0CR4-c59877ac-20f9-4c8d-a1a1-cfafc8dd8b47-kZargVy

(2022): Judicial Council according to the Law on Judicial Council adopted Methodology for qualitative evaluation on judges and Methodology for qualitative evaluation on presidents of the courts.

(2021): Judges are evaluated by the Judicial Council within a period of 4 years (regular evaluation). Beside the mentioned procedure, there is an extraordinary evaluation. Extraordinary assessment of the work of the judge and president of the court is being made in case the judge applies for election to another court, to a 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 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.

(2020): On 18.12.2020, Judicial Council adopt the new Methodology for qualitative evaluation on judges and the Methodology for qualitative evaluation on presidents of the courts. This new methodologies will be applied by the JC for regular and extra ordinary evaluation on a judges, according to the Law on Judicial Council.

Serbia

(General Comment): Rulebook on the criteria, standards, procedure and bodies for evaluation of performance of judges and court presidents 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.

(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

Serbia

(General Comment): 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*

(General Comment): Every three years .

Question 078

Bosnia and Herzegovina

(General Comment): Q078 The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight.

(2019): The Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina prescribes the measurements for monitoring and measuring the work and the performance results of prosecutors, chief prosecutors, and heads of departments. The Book of Rules sets monthly and annual quota for each type of a case within a given case category and its weight

Kosovo*

(2022): KPC 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

Bosnia and Herzegovina

(General Comment): Q079 The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

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

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Book of Rules on Referential Quota for the Work of the Prosecutors in Bosnia and Herzegovina in accordance with the its competencies determined by the law.

Serbia

(General Comment): Quantitative performance targets are prescribed by the Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors.

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.

(2019): Kosovo Prosecutorial Council has adopted the administrative instruction which determines the orientation norm for state prosecutors which sets the annual guidelines for the execution of cases for Prosecutors of the General Department, the Department of Juveniles and the Serious Crimes Department of all Basic Prosecutions, the General Department and the Serious Crimes Department of the Appellate Prosecutor's Office and Special Prosecution Office of the Republic of Kosovo.

Question 079-1

Bosnia and Herzegovina

(General Comment): On the basis of the quota achieved a judicial office holder shall be awarded a certain number of points within the performance appraisal procedure. If the judicial office holder fails to achieve the annual quota, that will affect negatively his or her annual performance appraisal.

Montenegro

(2022): As regards to quantity of work, the state prosecutor shall be evaluated "not satisfactory" if the results of work are more than 20% below average benchmarks for quantity of work in particular category of cases which are determined by Prosecutorial Council according to the size of subject prosecution office, and unless a prosecutors do not provide justified reasons for that.

Serbia

(General Comment): Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors - FULFILLMENT OF THE CRITERIA

Article 15.

The individual grade is determined based on the average of the results from the four-month work reports made during the work evaluation period.

The four-month work report expresses the ratio of the number of assigned cases and the number of processed cases, which were dispatched no later than the 15th day after the end of the reporting period.

The results of the four-month reports are entered in the evaluation sheet.

An individual rating of "extremely successful" is determined for the deputy public prosecutor, who handled more than 80% of assigned cases during the evaluation period.

An individual grade of "successful" is determined for the deputy public prosecutor, who during the evaluation period handled 60% to 80% of assigned cases.

An individual rating of "not satisfactory" is determined for the deputy public prosecutor, who during the evaluation period processed less than 60% of assigned cases.

Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 8: The Public Prosecutor (deputy pp) commits a disciplinary offense if:

- does not prepare public prosecutor's decisions and does not invest regular and extraordinary legal means within the prescribed period;
- frequently misses or is late for scheduled hearings, hearings and other procedural actions in the cases assigned to him;
- fails to request an exemption in cases where there are legal reasons for it;
- refuses to perform tasks and tasks entrusted to him;
- does not carry out the written instructions of the superior public prosecutor;
- clearly violates the obligations of proper treatment towards judges in the proceedings, parties, their legal representatives, witnesses, staff or colleagues;
- engages in inappropriate relations with the parties or their legal representatives in the proceedings he leads;
- provides incomplete or incorrect information relevant to the work of the State Council of Prosecutors in the procedure of selection and dismissal of public prosecutors and deputy public prosecutors, determination of disciplinary responsibility and other issues within its jurisdiction;
- violates the principle of impartiality and endangers citizens' trust in the public prosecutor's office;

- performs activities that are determined by law as incompatible with the public prosecutor's function, such as functions in bodies that make regulations and executive authorities, public services and bodies of provincial autonomy and local self-government units, membership in political parties, engaging in public or private paid work, providing legal services or providing legal advice for a fee, as well as other functions, jobs or private interests that are contrary to the dignity and independence of the public prosecutor's office or damage its reputation;
- accepts gifts contrary to the regulations governing conflicts of interest;
- does not respect the working hours prescribed by law or determined by the competent public prosecutor;
- if it significantly violates the provisions of the Code of Ethics;
- does not attend mandatory training programs without justification.

Kosovo*

(General Comment): If targets are not met, a negative evaluation will follow by the Commission on performance evaluation, which serves as the basis for promotion, demotion, and can even lead to a permanent dismissal of a prosecutor.

(2022): If prosecutors do not fulfill their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

(2021): Other: if prosecutors do not fulfil their orientation norm this is reflected in the annual work assessment by their respective chief prosecutor and in their regular performance evaluation by the prosecutors performance evaluation committee

Question 080

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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 number of decisions rendered by a chief prosecutor, during that time, approving complaints lodged against those orders.

(2020): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the new criteria for the performance evaluation of prosecutors in December 2020.

A prosecutor in Bosnia and Herzegovina is evaluated by the chief prosecutor according to the following performance criteria: quantity of work (i.e. annual quota), percentage of realization of individual backlog reduction plan and statistical quality of decisions. The statistical quality of a prosecutor's indictments is assessed on the basis of the total number of issued indictments and the total number of enforceable 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.

Montenegro

(General Comment): The Prosecutorial Council adopts the Rules for evaluation of state prosecutors and heads 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 changed circumstances, ability to organize and coordinate employees in the state prosecutor's office, participation in various professional activities.

Serbia

(General Comment): Quantitative and qualitative performance targets are prescribed by the Rulebook on criteria and standards for evaluating the work of public prosecutors and deputy public prosecutors.

AUTHORITY AUTHORIZED FOR VALUATION

Article 4.

The evaluation of the public prosecutor's work is carried out by the directly higher public prosecutor, with the opinion of the collegium of the immediately senior public prosecutor's office obtained.

The evaluation of the work of the deputy public prosecutor is carried out by the public prosecutor, with the opinion of the collegium of the public prosecution in which the deputy public prosecutor performs the public prosecutor's function.

Article 5.

The criteria for evaluating the work of the deputy public prosecutor are:

1. promptness in handling,
2. expertise and success in work,
3. professional commitment and cooperation.

The criteria for evaluating the work of the public prosecutor are:

1. general ability to manage the public prosecutor's office,
2. supervisory ability,
3. overall results of the work of the public prosecutor's office which he manages.

The criteria for evaluating the criteria are provided for in this regulation.

Article 6

The evaluation of the work of the holders of the public prosecutor's office is expressed by a grade.

Evaluation of work is carried out in such a way that for each criterion provided for in the Rulebook, an individual assessment is determined, on the basis of which the assessment of evaluation of work is made.

Marks

Article 7

The individual grades for the criteria for evaluating the work of public prosecutors are:

1. "extremely successful",
2. "successful",
3. "does not satisfy".

The evaluation grades for the work of the holders of the public prosecutor's office are:

1. "Extremely successfully performs the function of public prosecutor",
2. "Successfully performs the function of public prosecutor",
3. "Not satisfactory".

(2020): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on 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.

(2022): 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", as amended, and Regulation "On the ethical and professional assessment of prosecutors", approved by Decision no. 95, dated 09.05.2022, of High Prosecutorial Council

(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".

Bosnia and Herzegovina

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

North Macedonia

(General Comment): Criteria for individual assessment of the public prosecutor's work are set in the Law on 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."

(2022): Criteria for individual assessment of the public prosecutor's work are set in the Law on 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. For more, please see the general comment.

(2020): Criteria for individual assessment of the public prosecutor's work are set in the new Law on Public Prosecution office from 2020 and the new Rulebook for evaluation of the work on the public prosecutor's, which adopt Chief Public Prosecutor of the State Public Prosecution office. Law on Public Prosecution office (2020) - EVALUATION CRITERIA

Article 37

The evaluation criteria for the performance of public prosecutors shall be the following:

- expertise and quality in decisions, legal remedies and other writs,
- promptness and efficiency,
- impartiality and conscientiousness,
- reputation and ethics worthy of the office,
- cooperation and respect for the parties and other prosecution staff,
- ability and readiness for professional development and acquiring new knowledge,
- organizational abilities.

Serbia

(General Comment): Article 4.

The evaluation of the public prosecutor's work is carried out by the directly higher public prosecutor, with the opinion of the collegium of the immediately senior public prosecutor's office obtained.

The evaluation of the work of the deputy public prosecutor is carried out by the public prosecutor, with the opinion of the collegium of the public prosecution in which the deputy public prosecutor performs the public prosecutor's function.

EXTRAORDINARY WORK EVALUATION

Article 10.

The work of public prosecutors and deputy public prosecutors can be evaluated on an extraordinary basis based on the decision of the State Council of Prosecutors.

The State Council of Prosecutors can also make a decision on extraordinary performance evaluation based on the reasoned proposal of the public prosecutor of the public prosecution office, in which the deputy public prosecutor performs the public prosecutor's function or the deputy public prosecutor, whose work is extraordinarily evaluated.

The State Council of Prosecutors can make a decision on extraordinary work evaluation:

1. when determining the list of candidates for the election of public prosecutors,
2. during the election of public prosecutors who hold a permanent position in the second or higher public prosecutor's office,
3. during the election of deputy public prosecutors for permanent performance of the function of deputy public prosecutor;
4. when determining the reason for the dismissal of the public prosecutor or deputy public prosecutor;
5. when the public prosecutor or deputy public prosecutor is assessed as "unsatisfactory",
6. in other cases when the State Council of Prosecutors deems it expedient.

The decision from paragraph 1 of this article refers to the period for which extraordinary evaluation is carried out and the criteria for evaluation of work.

The provisions of this rulebook for regular work evaluation shall be applied accordingly to the extraordinary work evaluation procedure.

Question 081

Albania

(2019): All magistrates, including the chairpersons of courts and prosecution offices are subjects to an ethical and professional performance evaluation. The evaluation is performed according to the following criteria:

- a) Judicial or prosecutorial professional capacity;
- b) Organizational skills;
- c) Ethics and commitment to judicial and prosecutorial professional values;
- ç) Personal qualities and professional commitment.

The evaluation of magistrates is based on the following sources:

- a) Personal file of the magistrate;
- b) Statistical data, according to the provisions contained in Article 90 of this Law;
- c) Files selected by lot for evaluation in accordance with Article 91 of this Law, including the audio or video recording of the hearing with regard to judicial files, which shall always guarantee a full representation of all the types of tried and investigated cases;
- ç) Self-evaluation of the magistrate and the judicial decisions or prosecutorial acts drafted by the prosecutor and selected by him/her. In any case the number of the decisions/acts prepared and selected by the prosecutor should not exceed two per year;
- d) The opinion of the chairperson;
- dh) Data regarding the verification of complaints filed against the magistrate during the evaluation period;
- e) Written information transmitted from the School of Magistrate or other institutions which certify the attendance and involvement of the magistrate in training activities;
- ë) Final decisions for disciplinary measures against the magistrate delivered within the evaluation period, independent from whether the disciplinary measure is already expunged or not;
- f) Reports requested from High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest or other auditing or controlling institutions;

g) Objections of the magistrate or any minutes or documentation of hearings during the evaluation process;

gj) Any other information that shows the professional development of the magistrate

In the first 15 years of professional experience, including the professional experience as assistant magistrate 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 evaluation of the ethical and professional based on the standard form issued by the Council, through which the magistrate:

a) Evaluates the activity against the evaluation criteria;

b) Provides an analysis of the statistical data referring the magistrate's activities;

c) Describes the steps taken for meeting the objectives set out in the previous evaluation;

ç) Describes the extent to which these objectives have been met providing the respective explanation;

d) Defines the objectives for his/her professional development in the upcoming evaluation period;

dh) Describes the needs for training and the circumstances which constitute a hindrance for the professional improvement and proposes concrete solutions for the upcoming evaluation period.

Next, the chairperson of the court or prosecution office, where the magistrate under evaluation exercises the activity, provides an opinion on the activity of the magistrate, in accordance with the standards established by the Council. At the end, the evaluation is done by the Council.

Bosnia and Herzegovina

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the criteria for the performance evaluation of prosecutors.

Prosecutors are evaluated according to the following performance criteria: quantity of work, statistical quality of decisions, and analytical quality. The statistical quality of a prosecutor's indictments assessed on the basis of the total number of issued indictments and the total number of enforceable judgements dismissing charges, acquitting the persons charged, and on the basis of enforceable decisions on dismissing indictments, proportionate to the total number of indictments issued in the evaluation period.

The analytical evaluation is evaluated based on the following elements:

a)Fulfilment of statutory requirements in prosecutorial decisions; b)Ability to establish decisive facts for making prosecutorial decisions;

c)Ability to handle complex cases;

d)Expedience in rendering decisions and compliance with statutory deadlines;

e)Ability to organize and efficiently conduct investigations in a proactive manner;

f)Professional quality of decision, demonstrated legal knowledge and use of legal remedies

Montenegro

(General Comment): Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council

(2019): "Performance of state prosecutors who have permanent office, apart from the Supreme State Prosecutor and state prosecutors in the Supreme State Prosecutor's Office, is evaluated every three years to assess their competence, quantity and quality of work, ethics and training needs, as well as for the purpose of promotion to the state prosecution of higher degree.

State prosecutors, who have been elected for a term of four years, are evaluated after two years of work, as well as at the end of the mandate.

Rulebook on orientation criteria for determining the required number of judges and other court officers adopts Ministry of Justice on the proposal of the Judicial Council."

North Macedonia

(General Comment): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.

The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.

If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.

The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.

The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public 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 evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.

The evaluation of the performance of the public prosecutor may be positive or negative.

(2022): 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. For more explanations please, see the general comment.

(2020): Article 36

The regular evaluation of the performance of the public prosecutors shall be carried out for a period of four reporting years, until the end of June of the current year, for the work of the public prosecutor in the previous four years.

If the public prosecutor has been absent for more than 2/3 of the time for which they are to be assessed, they shall not be assessed for that period. The evaluation period shall start from the beginning after the public prosecutor's return to work.

The extraordinary evaluation of the performance of the public prosecutor shall be carried out in case when the public prosecutor is running for a higher public prosecutor's office, for a public prosecutor of a public prosecutor's office, for a public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption or for a member of the Council of Public Prosecutors of the Republic of North Macedonia.

If the public prosecutor is running for a higher public prosecutor's office or for a public prosecutor of a public prosecutor's office, in the current year for the previous year for which they have already been evaluated by regular evaluation, then their extraordinary evaluation shall not be carried out.

The evaluation score of the performance of public prosecutors in the Public Prosecutor's Office of the Republic of North Macedonia, the higher public prosecutors of the higher public prosecutor's offices and the basic public prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption shall be provided by the Chief Public Prosecutor of the Republic of North Macedonia.

The evaluation score of the performance of public prosecutors in the higher public prosecutor's offices and of the basic public prosecutors of the basic public prosecutor's offices shall be provided by the higher public 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 evaluation score of the performance of the public prosecutors in the basic public prosecutor's offices shall be provided by the higher public prosecutor upon previously obtained opinion of the basic public prosecutor of that prosecutor's office.

The evaluation of the performance of the public prosecutor may be positive or negative.

(2019): THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

(1) The Public Prosecutor's Council shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.

(2) The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.

(3) The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the State.

(4) The evaluation referred to in paragraph (1) of this Article, shall be delivered to the Public Prosecutor's Council of the State.

Serbia

(General Comment): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision.

(2022): The work of the deputy public prosecutor who was elected for the first time is evaluated once a year counting from the date of entry into the position of public prosecutor.

The work of the public prosecutor and the deputy public prosecutor on a permanent basis is regularly evaluated once in three years.

The work of public prosecutors and deputy public prosecutors can be based on the decision of the State Prosecutorial Council assess the prosecutors in an extraordinary manner.

(2019): Please note that less frequent evaluation can only be applied for public prosecutors and deputy public prosecutors elected permanently, taking into account that described stands for regular evaluation of the work in the intervals of 3 years. For example, frequency of regular work evaluation component of promptness in proceedings is based on reports filed every four months within the period of three years.

One-year evaluation exists for deputy public prosecutors elected first time for the period of three years.

More frequent evaluation can be applied in the case of non-regular work evaluation, which is performed on the basis of the SPC decision

Kosovo*

(General Comment): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

(2022): The evaluation of performance and work of prosecutors is regulated by law and regulations. 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 are evaluated by the committee every 3 years.

(2021): The evaluation of performance and work of prosecutors is regulated by law and regulations. 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 are evaluated by the committee every 3 years.

(2019): Performance evaluation is done for the prosecutors with initial term and for the permanently appointed prosecutors. Evaluation of the prosecutors with initial term is conducted after the initial training and again at the end of the initial term. The first evaluation of the performance of the prosecutors after the initial training covers the period from the thirteen (13) until the twenty-second (22) month of his/her work as a prosecutor, while the second assessment of the performance of the prosecutor with an initial term includes the period from the twenty- three (23) until thirty-second (32) month. Regular evaluation of all prosecutors permanently appointed is done every three (3) years. KPC appoints by draw one-third (1/3) of prosecutors within each prosecution office, as the first group who will be subject to performance evaluation within three (3) months. The same draw is held after one (1) year with the aim to appoint prosecutors who will take part in the second group and the third group after two (2) years, respectively.

Question 082-0

Albania

(2022): The HJC has approved a strategic 2 year plan, including the IT strategy. The strategic plan can be accessed only in albanian: https://klgj.al/wp-content/uploads/2022/05/Plani-Strategjik-Final_2022-2024.pdf

Bosnia and Herzegovina

(2022): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has formed a working group for drafting a medium-term strategy for the development and implementation of information technologies in the judiciary.

(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 drafting a new strategy.

Montenegro

(2022): <https://www.gov.me/dokumenta/7af1b58d-a6aa-4e62-8de2-75979dd42d0c>

Judicial Council remark: This plan's main activity is building the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin, "Informacioni Sistem Pravosuđa"). Due to the delays and problems with the company selected on the tender to build the system, we have decided to cancel the contract with them and search for other options. We were forced on this because they failed to deliver parts of the system and documentation on time, even after many prolongations and compromises from our side.

(2021): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosua). 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 problems we have with the company we got on the tender, because they fail to deliver parts of the system and documentation on time.

(2020): We are in the middle of realisation/programming phase for the new information system called - ISP (abbreviation for information system of Judiciary - in Montenegrin Informacioni Sistem Pravosuđa). After it is over we are going to testing phase, piloting phase and GO-live phase. We have plan to finish all activities on the project until the end of 2022 (migration of data and training of users are last phases that would go in 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 parts of the system and documentation on time.

North Macedonia

(2022): The strategy for ICT in the judiciary was adopted in 2019 for the time period of 2019-2024.

Digitization, digital transformation and the increasing development of information technology inevitably led to it being integrated in all the pores of the justice system, and especially in the last 2 years, through digital transformation in all courts and public prosecutor's offices by developing new web pages for the courts, with hardware and software for audio recording, system for audio visual recording, electronic issuance of documents, creation of web services, software development and case management, as well as platforms for two-way communication between the courts and the parties and access to the electronic file of the case.

Given that the strategy has a time period until 2024, it is still being implemented, and this year, the Council for ICT in the Judiciary will start a procedure for adopting a new strategy for the next 5 years, as well as new revised operational plan.

At this moment there is no new strategy and no new operational plan.

Serbia

(General Comment): IT strategy was adopted by ICT Sectorial Council on February 4th 2022.
The document in English will be provided later.

(2022): ICT Strategy in Judiciary 2022-2027 with Action Plan. Not available in English

(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 in other strategies and working documents.

(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

Albania

(2022): Regarding the option "centralized or interoperable database" the answer changed from "yes" to "no", because during 2022, due to cyber-attacks in Albania, some institutions such as the Civil Status Office and the National Business Center have disconnected interoperability with the case management system. The status of integration with statistical tool changed from "integrated" to "not connected" because HJC has approved new statistical formats which have not yet been integrated with the case management system. These integrations are expected to end with the finalization of the new judicial map.

Bosnia and Herzegovina

(2022): Correction of technical mistake: The reply from the previous reporting cycles regarding the status of criminal case online should be changed from "Accessible to parties" to "Not accessible at all".

North Macedonia

(2021): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Serbia

(2022): In civil and commercial cases, parties can see the status of case online.

CMS is fully integrated in sense that it uses data from cases from court DMS via web services to generate predefined and ad hoc reports.

(2020): (Software used for registering judicial proceedings and their management)

(2019): Early warnings for cases at risk of falling under Statute of limitations. In the case of Serbia, the answer for civil and commercial is different because systems of courts of general jurisdiction are in 2019 integrated with the statistical tool and systems of commercial courts are not.

Kosovo*

(2022): In the KJC web portal, on September 2022 are deployed two web applications; the Case Tracking Mechanism (CTM) and Open Data Platform, (ODP). In the CTM, parties can follow their case status data, while in the OPD are available all statistical reports of the CMIS.

Question 082-1

Albania

(2022): THE ARKIT system has been used since 2002, and the ICMIS system has been used since 2007.

Bosnia and Herzegovina

(2022): Currently there are two running versions of the Case Management System in the judicial system of Bosnia and Herzegovina: -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.

(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

(2022): Preliminary steps (Governance structure setup, Preliminary decisions, Decision on migration of data from existing systems, etc);

Phase 1 (case handling, statistics, decisions);

Phase 2 (e-filing etc. for criminal cases);

Phase 3 (e-filing etc. for civil and admin. cases);

Legislation;

System support, operation and maintenance;

Taking into account that a newly developed judicial case management system should nowadays necessarily include a full digitisation of all procedures, and considering the inherent complexity of such endeavor, a 5-year timeline for the completion of the whole project is proposed.

(2020): The current CMS presents a number of shortfalls and the latest study conducted by HJC concludes on 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.

Bosnia and Herzegovina

(2022): The new version of the Case Management System (version 3.0) will be tested in several courts and prosecutors' offices during 2023. It is based on new WEB technologies. The full-scale implementation of the new version of the Case Management System will take place in 2024.

(2020): DCMS, CMS Module that will be used in the Office of the Disciplinary Counsel at HJPC Bosnia and Herzegovina, will be implemented during 2021.

Montenegro

(2021): The development of the system is in progress, the adoption of the software development phase is 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.

(2020): The development of the system is in progress, the adoption of the phase of realization of the development of the system is expected in the next month. The full implementation of the judicial IT System is planned in the new ICT Judiciary Development Program 2021-2023 for the fourth quarter of 2022.

North Macedonia

(2022): During 2023, according to the operational plan for digitization in the judiciary, a complete change of the CMS system is planned with the introduction of a new modern and integrated system of management and movement of cases, which will be compatible with the new software, and new applications will be created at the same time namely, an application for issuing certificates from criminal records, for issuing certificates from misdemeanor records, creation of the E-delivery platform, which will establish full two-way communication between the courts and all parties, i.e. state authorities and institutions, development of the platform for a mobile application, which will enable unhindered access of the parties to the electronic file of the case, as well as the creation of web services with 12 state organs and institutions.

According to the operational plan and the provided budget funds, the Court Budget Council has created a plan and program with dynamics and necessary financial resources for the digitization of the courts in 2023, namely:

1. Upgrade and installation of the Femida True Records system for audio recording in civil courts and audio-video recording in criminal courts.
 - upgrade means the installation of Femida True Records or SRS Femida software, based on an existing Femida license installed on a computer in the courts (through previous purchases), regardless of whether it is currently in operation or not;
 - a new license implies the installation of Femida True Records or SRS Femida software on an additional number of computers, which are not included in the number of existing licenses in the courts.
2. Procurement and replacement of hardware equipment for the courts – 410 computers.
3. Current maintenance of the hardware and software for the operation of the ACMISS system and the equipment for issuing certificates from criminal records.
4. Upgrade and ongoing maintenance of centralized hardware and system software for centralized backup/restore of the court database.
5. Restoration of Kaspersky Anti-virus and Trend Micro inter Scan messaging for personal computer protection in the court system and Gateway virus protection in the Supreme Court of RNM.
6. Ongoing maintenance of software for recording events by collating logs from ICT devices located in the Supreme Court of the RNM.

Creation of a mobile application for access to the electronic file of the case - a service for reviewing the files in the case by the parties in the procedure. Service for a complete review of a court case by the parties in the case (prosecutors, lawyers and all involved parties, natural and legal persons). Web Portal and mobile application through which each of the parties after prior authentication (service for identification of persons at the MIOA state level) can view all data and acts in the case that are available to the parties. DETAILED DESCRIPTION OF THE SERVICE AND BASIC FEATURES

Possibility for reviewing of all data and documents from the court case for the participants in the case from the court web portal and mobile application.

Availability of the service:

- Computer, laptop - view via browser
- Mobile devices (phone) – separate mobile application.

The service will provide the following subject data:

1. General data on the subject

- Received on date
- Filed on date
- Type of submission
- Submission tag
- Date of offense (for criminal cases only)
- Place of crime (for criminal cases only)
- Value of the dispute (for civil cases only)
- Basis of submission
- Judge
- Admitted to judge on date
- Date of Published decision on the subject - Date of Final decision on the subject - Date of Received appeal - Valid on date
- Executable on date
- Date of archiving

2. Features of the case

- Related subjects
- Reason for follow-up
- Date of merger
- Subject for/in which it is merged
- Archiving
- Received from another court due to lack of jurisdiction
- Number in another court received due to lack of jurisdiction
- Priority

(2021): PLANNED ACTIVITIES FOR DIGITALIZATION OF THE JUDICIARY

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

Introduction of a platform for issuing electronic documents (certificates, confirmations etc.) Software performance analysis

Software development

Amendments to the Court Rules of Procedure

Rulebook for using the platform

(2020): The process on upgrading of the existing system or introducing on a new case management system in the judiciary is on the beginning. First step will be preparation on assessment on the functionality of the existing system, after what it will be decided about upgrade of the existing system or introducing on a completely new CMS.

Serbia

(2022): The implementation of the new centralized CMS is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.

(2021): Project of implementation of new modern centralized case management system started in September 2021, 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 083

North Macedonia

(General Comment): The CMS has an integrated data generator that provides data on received, resolved or unresolved cases brought to courts, but does not provide detailed data on whether they are criminal, civil cases or others. This data is calculated manually.

Question 084

Albania

(2020): Please note that data are anonymized only for first and second instance courts. The High court still publishes its decisions without anonymizing the data

Kosovo*

(2022): All data and judgments have been entered into the system in the Criminal Evidence Database where they are within the SKJK

Question 085

Albania

(2020): The website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two 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 Former Serious Crimes Court.

(2019): the website is www.gjykata.gov.al; however decisions of the High Court are published in the website of the High Court www.gjykataelarte.gov.al. Furthermore, Tirana District Court and Tirana Appeals Court also have their dedicated websites where data are anonymised. This happens because there are currently two systems in use in Albania; ICMIS, which is used by the majority of the Courts and ARKIT which is used only in Tirana District Court and Former Serious Crimes Court.

Bosnia and Herzegovina

(2021): Central database of court decisions is developed and maintained by HJPC's Judicial Documentation 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, but also the related court decisions, anonymised as well. This database will enable judges to get acquainted with the relevant legal positions and compare those with their cases when rendering new decisions. E-Sentence database was launched in November 2021, and will be publically available as of 1 February 2022, also free of charge. With all this, the HJPC is making an effort to ensure greater transparency and facilitate access to court decisions, as well as to enable judges and prosecutors in BiH to be more consistent in their decision-making and thus ensure a more harmonised case law.

(2020): Central database of court decisions is available at the web site www.pravosudje.ba/csd. It contains decisions selected by highest courts of Bosnia and Herzegovina in all three areas (civil, criminal and administrative). Database is searchable by case number, date of the decision, court that issued the decision, legal field, legal term, legal category, but also through free text search. Selected decisions are aligned with lower court decisions brought in the same case, anonymized and available for the members of the judiciary - judges, prosecutors and all judicial staff free of charge. Other users must pay annual fee to access the database - i. e. 50 Euro). In September 2020 HJPC adopted a decision making the database free of charge for all users; the above mentioned decision is pending confirmation by the Council of Ministers of Bosnia and Herzegovina. Some decisions in database are aligned with decisions of the Constitutional Court of Bosnia and Herzegovina. The alignment of decision in database with ECHR case law is not in place, but detailed reports on ECHR case law are available through the aforementioned web site www.pravosudje.ba/csd and this aspect of the database is subject of constant improvement through IPA 2017 (information from European highest courts and ECtHR Network). Through the same project, HJPC initiated development of the database with court stances in cooperation with highest courts (E-sentence). This database will enable highest courts to record their case law in line with pre-defined descriptors (legal terms). Besides, this database should enable identification of diverse case law between highest court, and move forward the process of harmonisation of the case law at the state level (Case law harmonisation panels). Note for Data anonymised: there was a technical mistake in the previous reporting cycle, in order to correct this the reply "No" should be changed to "Yes" for 2019.

(2019): Court decisions database is available online through the HJPC Judicial Documentation Centre's web site www.pravosudje.ba/csd. It contains court decisions selected by highest courts in all three areas (civil, criminal and administrative) and is searchable by different parameters: case number, court that issued the decision, legal field, legal term, applied institute, but also through free text search. At the moment, the selected decisions are: aligned with lower court decisions brought in the same case, anonymized and available on-line (for the members of the judiciary - judges, prosecutors and all judicial staff free of charge, and the rest of the public must pay annual fee to access the database - i. e. 50 Euro). Some decisions from database are also aligned with decisions of the Constitutional Court of BiH. The alignment of this database with ECHR case law is not in place. Various detailed reports on ECHR case law is available through JDC web site , and is subject of improvement through IPA 2017 (information from European highest courts with ECtHR Network).

Serbia

(2022): Since 2021 there was a migration of data (decisions) from Administrative Court portal to centralized data base. Therefore centralized national database of court decisions does not include all judgements

(2020): We don't have 3rd instance for administrative courts so the answer is no and it should be NAP.

(2019): Court for administrative disputes is Administrative court, which is the only instance for the Republic of Serbia. For judgements in administrative disputes there is no 3rd level instance of decisions, only 2nd level instance which is the Supreme Court of Cassation.

Kosovo*

(General Comment): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link of the database: <https://www.gjyqesori-rks.org/aktgjkimet/?lang=en>

(2019): Data are available and anyone can access and filter the judgements by different criteria. Each judgement can then be downloaded. Furthermore, a new stream is being created in the database which will provide Kosovo citizens with the opportunity to follow a case from the beginning of the procedure. The link 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 2022 (Table 4.3.2)

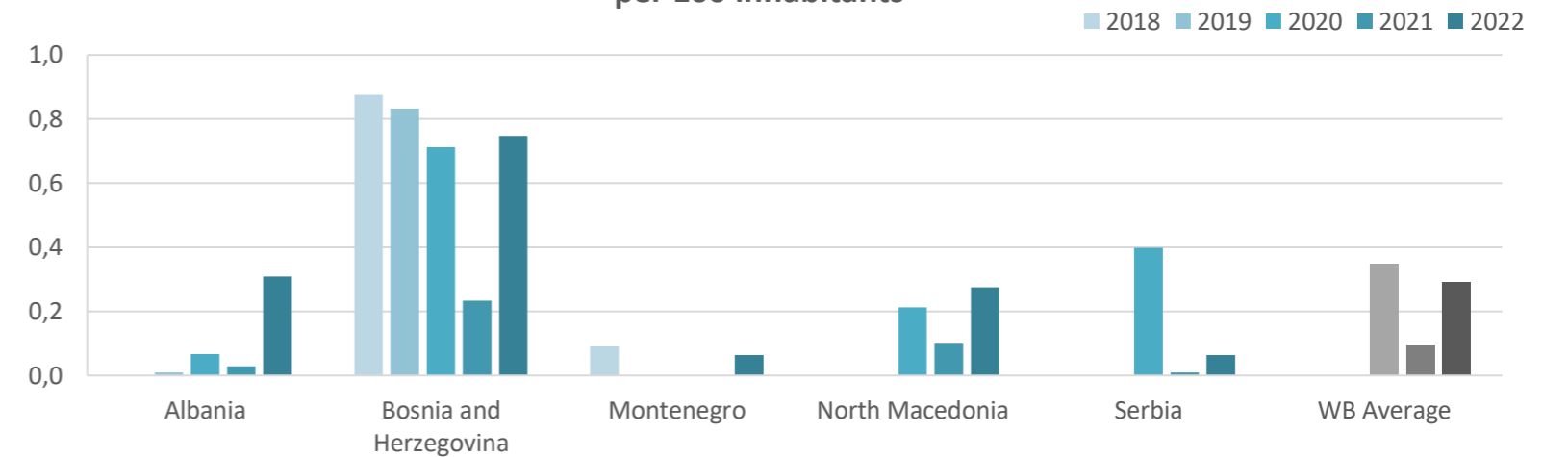
Beneficiaries	Number of cases for which legal aid was granted per 100 inhabitants				
	2018	2019	2020	2021	2022
Albania	NA	0,01	0,07	0,03	0,31
Bosnia and Herzegovina	0,88	0,83	0,71	0,23	0,75
Montenegro	0,09	NA	NA	NA	0,06
North Macedonia	NA	NA	0,21	0,10	0,27
Serbia	NA	NA	0,40	0,01	0,06
Kosovo*	-	0,31	0,44	0,13	0,34
WB Average	-	-	0,35	0,09	0,29

For reference only: the 2020 EU median for the number of cases for which legal aid has been granted is 0,84 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).

Figure 4.1 Number of cases for which legal aid was granted per 100 inhabitants

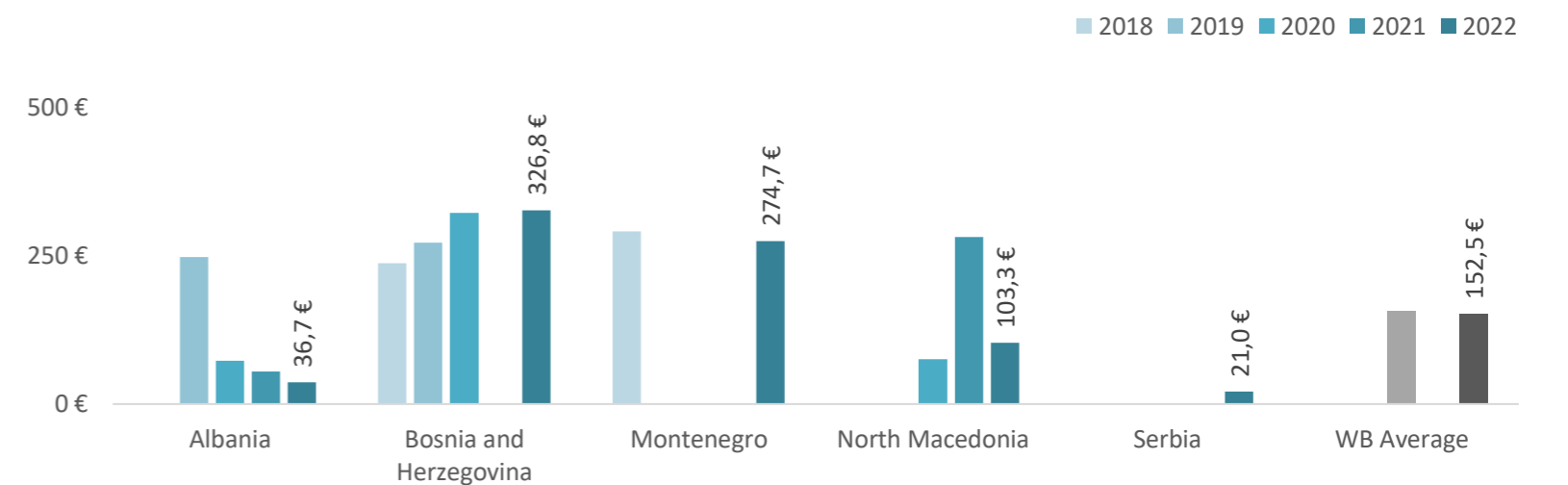


Average amount per case for which legal aid was granted from 2018 to 2022 (Table 4.3.3)

Beneficiaries	Average amount per case for which legal aid was granted				
	2018	2019	2020	2021	2022
Albania	NA	248,0 €	72,9 €	54,8 €	36,7 €
Bosnia and Herzegovina	237,7 €	272,4 €	322,8 €	NA	326,8 €
Montenegro	291,2 €	NA	NA	NA	274,7 €
North Macedonia	NA	NA	75,6 €	282,3 €	103,3 €
Serbia	NA	NA	NA	NA	21,0 €
Kosovo*	-	382,7 €	176,8 €	456,8 €	278,2 €
WB Average	-	-	157,1 €	-	152,5 €

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.

Figure 4.2 Average amount per case for which legal aid was granted (€)



* This designation is without prejudice to positions on 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

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2022 (Q12, Q13-1 and Q13-2)

Table 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2022 (Q13 and Q13-2)

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2022 and its evolution between 2018 and 2022 (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 2022 (Q1 and Q13)

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2022 (Q86-0-0)

Table 4.2.2 organisation of the legal aid system in your country both before going to court and during court proceedings in 2022 (Q86-0)

Table 4.2.2 Income and assets evaluation for granting full or partial legal aid in 2022 (Q87, Q88)

Table 4.2.3 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 2022 (Q88-1)

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2022 (Q86)

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2022 (Q1, Q86)

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2022 (Q13 and Q86)

4.4 Favourable arrangements to vulnerable persons


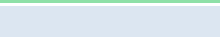
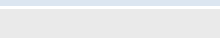
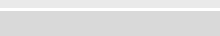
Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, and victims of domestic violence in 2022 (Q163)

Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2022 (Q163)

4.1 Legal aid budget

Table 4.1.1 Access to justice - Approved budget for legal aid and coverage of court fees in 2022 (Q12, Q13-1 and Q13-2)

Beneficiaries	Approved budget for legal aid in 2022									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
	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	413 201 €	155 558 €	257 643 €	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	616 304 €	NA	NA	533 069 €	NA	NAP	83 235 €	NA	NA		
Serbia	NA	NA	NAP	NA	NAP	NAP	NA	NAP	NAP		
Kosovo*	1 877 134 €	1 139 000 €	738 134 €	1 528 229 €	1 050 000 €	478 229 €	348 905 €	89 000 €	259 905 €		
Average	-	-	-	-	-	-	-	-	-		
Median	-	-	-	-	-	-	-	-	-		
Minimum	-	-	-	-	-	-	-	-	-		
Maximum	-	-	-	-	-	-	-	-	-		

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 4.1.2 Access to justice - Implemented budget for legal aid and coverage of court fees in 2022 (Q13 and Q13-2)

Beneficiaries	Implemented budget for legal aid in 2022									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
	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	317 121 €	83 773 €	233 347 €	NA	NA	NA	NA	NA	NA		
Bosnia and Herzegovina	8 442 077 €	NA	NA	NA	NA	NA	NA	NA	NA		
Montenegro	108 776 €	NA	NA	NA	NA	NA	NA	NA	NA		
North Macedonia	521 612 €	521 002 €	610 €	473 275 €	473 275 €	NAP	48 337 €	47 727 €	610 €		
Serbia	92 056 €	NA	NA	NA	NA	NA	NA	NA	NA		
Kosovo*	1 692 393 €	1 119 494 €	572 899 €	1 364 904 €	1 012 761 €	352 143 €	327 489 €	106 733 €	220 756 €		
Average	1 896 328 €	-	-	-	-	-	-	-	-		
Median	317 121 €	-	-	-	-	-	-	-	-		
Minimum	92 056 €	-	-	-	-	-	-	-	-		
Maximum	8 442 077 €	-	-	-	-	-	-	-	-		

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 total budget only refers to cases where legal aid was granted according to the Law on Free Legal Aid (whereas cases in which legal aid was granted according to the Criminal Procedure Code are not available).

Table 4.1.3 Access to justice - Total implemented budget for legal aid per inhabitant in 2022 and its evolution between 2018 and 2022 (Q1 and Q13)

Beneficiaries	Total implemented budget for legal aid per inhabitant in 2022			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	2022	Trend 2018 - 2022
Albania	0,1 €	0,0 €	0,1 €	NA	0,0 €	0,0 €	0,1 €	0,1 €	
Bosnia and Herzegovina	2,4 €	NA	NA	2,1 €	2,3 €	2,3 €	2,0 €	2,4 €	
Montenegro	0,2 €	NA	NA	0,3 €	0,3 €	0,2 €	0,2 €	0,2 €	
North Macedonia	0,3 €	0,3 €	0,0 €	0,1 €	0,2 €	0,2 €	0,3 €	0,3 €	
Serbia	0,0 €	NA	NA	NA	NA	NA	0,0 €	0,01 €	
Kosovo*	0,9 €	0,6 €	0,3 €	-	NA	0,3 €	0,8 €	0,9 €	
Average	0,6 €	-	-	0,8 €	0,7 €	0,7 €	0,5 €	0,6 €	
Median	0,2 €	-	-	0,3 €	0,3 €	0,2 €	0,2 €	0,2 €	
Minimum	0,01 €	-	-	0,1 €	0,0 €	0,0 €	0,0 €	0,0 €	
Maximum	2,4 €	-	-	2,1 €	2,3 €	2,3 €	2,0 €	2,4 €	

* 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.

Serbia: The total budget only refers to cases where legal aid was granted according to the Law on Free Legal Aid (whereas cases in which legal aid was granted according to the Criminal Procedure Code are not available).

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 2022 (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	26,4%	73,6%	NA	NA
Bosnia and Herzegovina	NA	NA	NA	NA
Montenegro	NA	NA	NA	NA
North Macedonia	99,9%	0,1%	90,7%	9,3%
Serbia	NA	NA	NA	NA
Kosovo*	66%	34%	81%	19%
Average	-	-	-	-
Median	-	-	-	-
Minimum	-	-	-	-
Maximum	-	-	-	-

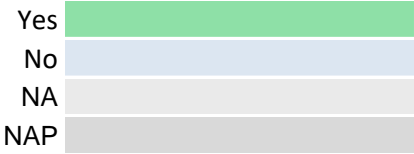
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

4.2 Organisation of legal aid

Table 4.2.1 Types of legal aid in 2022 (Q86-0-0)

Beneficiaries	Types of legal aid			
	Criminal cases		Other than criminal cases	
	Representation in court	Legal advice, ADR, and other legal services	Representation in court	Legal advice, ADR, and other legal 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.

Kosovo is not included in the calculation of summary statistics*

Table 4.2.2 organisation of the legal aid system in your country both before going to court and during court proceedings in 2022 (Q86-0)

Beneficiaries	Organisation of the legal aid system in your country both before going to court and during court proceedings
Albania	<p>Good administration of justice starts first with the guarantee that every individual must have for the realization and protection of his legal and constitutional rights. The protection of these law institutions is one of the basic principles, the fulfillment of which is one of the priorities of the Albanian Government, in the framework of the implementation of justice reform. Law no. 111/2017 "On Legal Aid guaranteed by the state", was one of the laws adopted in the framework of the reform, the entry into force of which brought a profound reform of the legal aid system in a new spirit in terms of organization, operation and provision of state-guaranteed legal aid. The adoption of this law led to the drafting of a package of bylaws which aim to regulate in detail the organization and operation of legal aid guaranteed by the state.</p> <p>The main purpose of this law is to provide free legal aid to all categories, which due to the conditions in which they are, find it impossible to provide this service. Special attention has been paid to the most vulnerable categories of beneficiaries, focusing on the expansion of the circle of subjects as well as the sanctioning of vulnerable groups as direct beneficiaries of the free legal aid system</p> <ul style="list-style-type: none"> • The Directorate of Free Legal Aid is established as a subordinate institution of the Minister of Justice, responsible for the administration and functioning of the free legal aid system in Albania. The law that entered into force in June 2018, the internal organization of the Directorate of Free Legal Aid was approved in 2019, by the Prime Minister, by Order No. 59, date 25.03.2019, "on the structure and staff of Free Legal Aid Directorate" (on the proposal of the Minister of Justice); • With the entry into force of the new law, the responsibility of a number of institutions is already increasing which will be engaged in guaranteeing equal access to justice through free legal aid (Ministry of Justice; Directorate of Free Legal Aid; Courts; Prosecution Offices; Albanian Bar Association); • It is created for the first time, a network of responsible institutions engaged in providing and guaranteeing legal services (primary and secondary), with professionalism and efficiency; • The transfer of competence to decide on requests for secondary legal aid from the State Commission for Legal Aid to the Courts is another innovation brought by this law; <p>Primary legal aid is one of the forms of free legal aid through which every citizen is offered legal advice and guidance, assistance in solving their problems, drafting the necessary acts and representation before public administration bodies. This type of service is provided by Nonprofit Organization, Law Clinics at Higher Education Institutions, and Primary Legal Aid Service Centers.</p> <p>"Secondary legal aid" is the legal service provided for the drafting of acts necessary to set the Court in motion; providing advice, representation and protection before the court in administrative and civil cases, for which compulsory protection does not apply, according to the provisions of criminal procedural legislation.</p> <p>Referring to the provisions of law no. 111/2017 "On legal aid guaranteed by the state", secondary legal aid is one of the main forms of legal aid services guaranteed by the state and is provided in cooperation with several institutions. For 2022, the list of lawyers includes 157 lawyers who provide legal aid.</p> <p>Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance of FLAD.</p> <p>Secondary legal aid is provided by lawyers included in the list approved by the Chamber National Bar, based on the request of the person who enjoys the right to benefit from assistance according to articles 11 or 12, of Free Legal Aid. The request is drawn up according to the request form, approved by the Minister of Justice.</p> <p>The request for the provision of secondary legal aid is submitted by the interested person personally or by means of the postal service to the court or the proceeding body that initiates the beginning of one litigation, at the beginning of a litigation and/or at any stage of the litigation, until no the judicial investigation has been declared closed, according to the rules provided in the legislation.</p> <ol style="list-style-type: none"> 2. The person who has the right to secondary legal assistance can submit the provided request in point 1, of this article, through a legal representative or equipped with a power of attorney, spouse, cohabitant or a first-degree relative. 3. The request for secondary legal aid is exempt from court fees and expenses. 4. The person, who seeks to benefit from secondary legal assistance, signs a self-declaration that fulfills the benefit criteria, defined in this law, according to the approved self-declaration form.

Bosnia and Herzegovina	<p>The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings.</p> <p>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 (e.g. obligation to appear in court). In addition, free legal aid centers have been established at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and administrative proceedings.</p>
Montenegro	<p>Free legal aid implies providing the necessary funds to fully or partially cover the costs of legal advice, drafting letters, representation in court, the State Prosecutor's Office and the Constitutional Court of Montenegro and in out-of-court dispute resolution and enforcement proceedings as well as exemption from payment of court costs. The financial situation of the applicant for free legal aid shall be determined on the basis of his/her income and property and the income and property of his family members, unless otherwise prescribed by this Law.</p> <p>The body responsible for granting free legal aid is the president of the basic court, or the judge authorized by the president, in which territory the applicant has a domicile or residence. Professional and administrative tasks in the process of approving free legal aid, are organized within the Service or Office for free legal aid. The Service provides information and advice to the interested parties on the possibilities and conditions for exercising the right to free legal aid assistance and other issues related to the granting of free legal aid.</p>
North Macedonia	<p>LAW ON FREE LEGAL AID</p> <p>Article 4</p> <p>Providers of free legal aid</p> <p>(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.</p> <p>(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.</p> <p>(3) Preliminary legal aid shall be provided by authorized Ministry staff, an authorized association or a legal clinic (hereinafter: providers).</p> <p>(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorizations in accordance with the provisions of this law.</p> <p>(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations in accordance with the laws.</p> <p>(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.</p> <p>(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.</p> <p>(8) The minister of justice shall prescribe the procedure for providing free legal aid.</p> <p>PRELIMINARY LEGAL AID</p> <p>CHAPTER I</p> <p>GENERAL PROVISIONS</p> <p>Article 5</p> <p>Right to preliminary legal aid</p> <p>Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.</p> <p>Article 6</p> <p>Scope of preliminary legal aid</p> <p>The scope of preliminary legal aid is the following:</p> <ul style="list-style-type: none"> -initial legal advice on the right to use free legal aid; -general legal information; -general legal advice; -assistance in completing the secondary legal aid application; -assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children's rights; pension, disability and healthcare for victims of gender based violence and domestic violence; procedure for entry into the birth Register; obtaining personal identification and citizenship documents; -writing complaints to the Anti-Discrimination Commission and to the Ombudsman, as well as petitions to the Constitutional Court of the Republic of North Macedonia for the protection of rights. <p>Article 7</p> <p>Providing preliminary legal aid</p>

Serbia The Law on Free Legal Aid ("Official Gazette of RS", No. 87 of November 13, 2018, in force from October 1st 2019): The purpose of this law is to provide every person with effective and free legal aid. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts. When person applies for free legal aid, he/she must address to local self-government unit which is entitled to approve/reject the request for granting free legal aid. If the request is granted, the person will be provided free legal aid by the benefactor who must be registered on a list of benefactors of the Minister of Justice. Benefactors are lawyers, mediators, notaries, employees of the self-government unit, Faculties of Law and associations which are registered to provide legal aid in a non-discriminatory manner. The request for granting free legal aid can be submitted personally or legal representative or attorney, can submit it on their behalf. The Criminal Procedure Code, Article 77: Defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned attorney at his request, if criminal proceedings are conducted in a court.

Kosovo* FLAA is the Executive Agency within the Ministry of Justice, the only one in the Republic of Kosovo, responsible for the organization and provision of Free Legal Aid. It exercises its functions in accordance with Law no. 04/L-017 on Free Legal Aid, which entered into force in March 2012, Law No. 08/L-035 on Amendment and Supplement to Law No. 04/L-017 on Free Legal Aid and Law No. 04/L-017 on Free Legal Aid for the Amendment and Completion of Laws related to the Rationalization and Establishment of Accountability Lines of Independent Agencies. These laws regulate the creation of a free legal aid system in civil, criminal, administrative and misdemeanor proceedings, through which effective access to justice is ensured for citizens who do not have sufficient financial means. Free legal aid is provided for all citizens who meet the legal criteria at each stage of the procedure. Free legal aid is provided in the whole territory of Republic of Kosovo in civil, administrative, minor offences and criminal proceedings. Free legal aid is provided for the following types: -information and legal advices relating to legal procedures; -drafting the paper-work and entire other technical assistance that has to do with court proceedings; -representation in civil, administrative, minor offence and criminal procedure. Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria. According to the qualification criteria, on free legal aid are entitled: 1.1. the Citizens of the Republic of Kosovo which reside in the Republic of Kosovo; 1.2. all persons with provisions of the Republic of Kosovo; 1.3. other persons defined by law, or rules of international law, that bound Republic of Kosovo; 1.4. persons to whom assistance on free legal aid is provided on the basis of international law. According to the financial criteria, the legal aid is provided: 1.1. primary and 1.2. secondary. The Primary legal aid shall be provided to all persons that acquire the right from social aid, together with persons acquiring the right from social aid. The Secondary legal aid shall be provided to all persons whose gross family incomes are lower than the average family incomes. According to the financial criteria, legal aid shall be provided by assessing validity of the case as; 1.1. real value of the request; 1.2. argumentative power of the evidences presented by the applicant; and 1.3. probability of success of the request. The procedure for realization of free legal aid shall be initiated with the submission of the application in the nearest legal aid office. Form and content of the form for submission of the application shall be regulated by sub-legal act. The submitter of the application has an obligation to provide the documentation required to prove the grounds of the application for free legal aid. In the case of victims of violence, the documentation for the category of victims of violence, such as validity of the request is taken written statements of witnesses defender. Officials of the office for legal aid shall be obliged to process the request for free legal aid application.


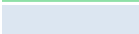

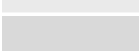
The Free Legal Aid Agency has this organization:

- Executive Director
- Department for Providing Legal Services
- Department of Finance and General Services of ANJF
- Regional Offices for Free Legal Aid and
- Mobile Offices for Free Legal Aid.

* This designation 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 4.2.3 Income and assets evaluation for granting full or partial legal aid in 2022 (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	Yes	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Bosnia and Herzegovina	Yes	1 705 €	NA	1 705 €	NA	NAP	NAP	NAP	NAP
Montenegro	Yes	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	Yes	NAP	NAP	3 512 €	NA	NAP	NAP	NAP	NAP
Serbia	Yes	3 546 €	NA	3 546 €	NA	NAP	NAP	NAP	NAP
Kosovo*	Yes	NA	NA	NA	NA	NA	NA	NA	NA
Average		-	-	2 921 €	-	-	-	-	-
Median		-	-	3 512 €	-	-	-	-	-
Minimum		-	-	1 705 €	-	-	-	-	-
Maximum		-	-	3 546 €	-	-	-	-	-

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 4.2.4 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 2022 (Q88-1)

Beneficiaries	Maximum duration prescribed in law/regulation (in days)	Actual average duration (in days)
Albania	5	NA
Bosnia and Herzegovina	15	8
Montenegro	15	15
North Macedonia	15	30
Serbia	8	8
Kosovo*	5	NA
Average	12	15
Median	15	12
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*

4.3 Legal aid - cases

Table 4.3.1 Access to justice - Number of cases for which legal aid was granted in 2022 (Q86)

Beneficiaries	Number of cases for which legal aid was granted in 2022								
	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	8 646	1 030	7 616	NA	70	NA	NA	960	NA
Bosnia and Herzegovina	25 834	8 098	17 736	4 462	3 835	627	21 372	4 263	17 109
Montenegro	396	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	5 049	1 783	3 266	1 546	1 546	NAP	3 503	237	3 266
Serbia	4 392	542	3 850	NA	NA	NA	NA	NA	NA
Kosovo*	6 084	2 364	3 720	434	271	163	5 650	2 093	3 557
Average	8 863	2 863	8 117	-	1 817	-	-	1 820	-
Median	5 049	1 407	5 733	-	1 546	-	-	960	-
Minimum	396	542	3 266	-	70	-	-	237	-
Maximum	25 834	8 098	17 736	-	3 835	-	-	4 263	-

* This designation is without prejudice to positions on 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).

Table 4.3.2 Access to justice - Number of cases for which legal aid was granted per 100 inhabitants in 2022 (Q1, Q86)

Beneficiaries	Number of cases for which legal aid was granted per 100 inhabitants in 2022								
	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	0,04	0,27	NA	0,003	NA	NA	0,03	NA
Bosnia and Herzegovina	0,75	0,23	0,51	0,13	0,11	0,02	0,62	0,12	0,50
Montenegro	0,06	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	0,27	0,10	0,18	0,08	0,08	NAP	0,19	0,01	0,18
Serbia	0,06	0,01	0,06	NA	NA	NA	NA	NA	NA
Kosovo*	0,34	0,13	0,21	0,02	0,01	0,01	0,31	0,12	0,20
Average	0,29	0,09	0,26	-	0,07	-	-	0,06	-
Median	0,27	0,07	0,23	-	0,08	-	-	0,03	-
Minimum	0,06	0,01	0,06	-	0,00	-	-	0,01	-
Maximum	0,75	0,23	0,51	-	0,11	-	-	0,12	-

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

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).

Table 4.3.3 Access to justice - Average amount per case for which legal aid was granted in 2022 (Q13 and Q86)

Beneficiaries	Average amount per case for which legal aid was granted in 2022								
	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	36,7 €	81,3 €	30,6 €	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	326,8 €	NA	NA	NA	NA	NA	NA	NA	NA
Montenegro	274,7 €	NA	NA	NA	NA	NA	NA	NA	NA
North Macedonia	103,3 €	292,2 €	0,2 €	306,1 €	306,1 €	NAP	13,8 €	201,4 €	0,2 €
Serbia	21,0 €	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	278,2 €	473,6 €	154,0 €	3 144,9 €	3 737,1 €	2 160,4 €	58,0 €	51,0 €	62,1 €
Average	152,5 €	-	-	-	-	-	-	-	-
Median	103,3 €	-	-	-	-	-	-	-	-
Minimum	21,0 €	-	-	-	-	-	-	-	-
Maximum	326,8 €	-	-	-	-	-	-	-	-

* 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*

4.4 Favourable arrangements to vulnerable persons

Table 4.4.1 Special favourable arrangements to be applied, during judicial proceedings, to victims of sexual violence/rape, terrorism, and victims of domestic violence in 2022 (Q163)

Beneficiaries	Special favourable arrangements for:								
	Victims of sexual violence/rape			Victims of terrorism			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
Albania	Yes	Yes	Yes	Yes	Yes	NA	Yes	Yes	NA
Bosnia and Herzegovina	NA	Yes	Yes	NA	Yes	Yes	NA	Yes	Yes
Montenegro	NA	Yes	Yes	Yes	Yes	Yes	Yes	Yes	NA
North Macedonia	Yes	Yes	NA	Yes	Yes	NA	Yes	Yes	NA
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	Yes	Yes	Yes	NA	Yes	Yes	Yes	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.

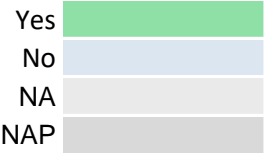

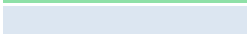


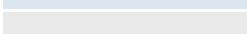
Table 4.4.2 Special favourable arrangements to be applied, during judicial proceedings, to minors (witnesses of victims) and juvenile offenders in 2022 (Q163)

Beneficiaries	Special favourable arrangements for:					
	Minors (witnesses or victims)			Juvenile offenders		
	Information mechanism	Special arrangements in hearings	Other specific arrangements	Information mechanism	Special arrangements in hearings	Other specific arrangements
Albania	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	No	Yes	Yes	No	Yes	Yes
Montenegro	Yes	Yes	No	No	Yes	Yes
North Macedonia	Yes	Yes	No	Yes	Yes	No
Serbia	Yes	Yes	Yes	Yes	Yes	Yes
Kosovo*	No	Yes	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 



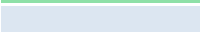
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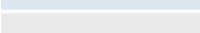
Table 4.4.3 Special favourable arrangements to be applied, during judicial proceedings, to ethnic minorities, persons with disabilities, and other victims in 2022 (Q163)


Beneficiaries	Special favourable arrangements for:								
	Ethnic minorities			Persons with disabilities			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
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 

Indicator 4. Access to justice-legal aid

by country

Question 86-0-0. Does legal aid apply to:

Question 86-0. Please briefly describe the organisation of the legal aid system in your 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:

Question 88-1. Please indicate the 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:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Albania

Q086 (2022): As for the year 2022, 7616 citizens have been treated with primary legal aid and 1030 court decisions have been administered with the object of secondary legal aid.

During 2022 according to the scope of court cases that citizens have requested secondary legal assistance, it is evident that they are mainly civil cases. Out of the total number of requests for legal aid of 1030, 691 of them are civil, where the main ones are marriage settlement, pension benefits and property conflicts. While the other two categories, where 70 are criminal and 269 are administrative cases.

Q086 (2021): We highlight that 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 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: <https://ndihmajuridike.gov.al/publikime>

Q086 (2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of •Primary Legal Aid (“out of court support”)

•Secondary Legal Aid (representation by an advocate in a court procedure) and the

•Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises -providing of information regarding the legal system and legal acts, -the delivery of counselling, -the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,

-the delivery of assistance in drafting and establishing of documentation to -representation before administration bodies, -the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

•Specially trained officers in primary legal aid service centers (or other premises) (Article 14)

•NPOs providing primary legal aid (Article 15)

•Legal clinics (Article 3 (ë)) providing legal aid (Article 16).

Secondary legal aid is (Article 18)

•provided by advocates included in the list approved by the National Chamber of Advocates, •upon the request (according to the form) of •the person entitled to receive secondary legal aid under articles 11 or 12 of this law.

Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates

Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data” determines that: 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 within the first 5 (five) days of the month following the reference month. Consequently, in the conditions when the data on the cases handled during February are reported within 5 March 2021, the cases handled by primary and secondary legal aid providers for February 2021, are not included in this report.

Q086 (2019): Notes:

Law no. 111/2017, "On State-Guaranteed Legal Aid", entered into force on June 1-st 2018. This law, part of the legal package of the judicial reform in Albania, provided the termination of the existence of the State Commission of Legal Aid (existing institution of the time) and the establishment of the Free Legal Aid Directorate, as the responsible institution for administering free legal aid system.

The establishment of the Free Legal Aid Directorate was accomplished by the Prime Minister order no. 59, date 25.03.2019, about 1 year after the entry into force of the law.

Consequently, during this transitional period until the establishment of the Free Legal Aid Directorate we have no treatment of free legal aid cases.

Consequently, the data represented in the table regards the period of May 2019 to December 2019

-Cases brought to court,

Law 111/2017, unlike the repealed law, provides as a form of legal aid even the:

a) exemption from the payment of general and special fees (as provided by the law on court fees of the Republic of Albania); b) payment of court expenses (costs for witnesses, experts, translators, examinations of places and items etc)

The decision to provide the aforementioned services, together with the request to provide counseling and representation before the court, is given by a decision of the competent court under the procedural law. Every court decision is communicated to the Free Legal Aid Directorate together with the respective fee which is held in the account of the Directorate's budget.

-Cases not brought to court.

For the cases not brought to court that the law classifies as "primary legal aid", should be stressed that the low level of these cases came as a result of the short period of functioning of the Free Legal Aid Directorate. The law provides that primary legal aid is accorded by: a) Primary legal aid service centers; b) Authorized non-profit organizations; c) Legal clinics at higher education institutions.

Currently, the Free Legal Aid Directorate administers only one Primary legal Aid service center in the city of Elbasan. We are in a situation where the procedure for authorizing non-profit organizations and legal clinics has not yet begun, so the above statistics for cases not brought to court are accorded only for the Primary legal Aid service center in Elbasan

It should also be stressed that the table does not include "mandatory protection cases" under provisions of criminal procedural legislation because this type of legal assistance does not fall into the scope of 111/2017, law

Q087 (General Comment): 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". 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

The right to benefit legal aid is possessed by everyone that proves that they have insufficient income and property to bear the costs for counselling, representation and/or defence in criminal cases, in administrative and in civil law cases.

The income of a person living in a household shall be considered insufficient, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. (please note that currently minimum wage is 26.000 ALL - 210 eur)

The income of a person, not living in a household, shall be considered insufficient in the meaning of paragraph 1 of this article, if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force.

4. If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 of this article shall not apply. The income of this person shall be considered insufficient in the meaning of paragraph 1 of this article if it is lower than the level of the minimum wage, as defined according to the legislation in force.

5. The property of a person shall be considered insufficient in the sense of paragraph 1 of this article, if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force. For more information you can access the law in English at: <https://euralius.eu/index.php/en/library/albanian-legislation/send/21-legal-aid/232-law-on-legal-aid-en>

Q087 (2019): The classification of full and partial legal aid is not a classification provided by 111/2017, law. According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order.

It is unclear whether all forms of legal aid can be considered as "full legal aid" or we will maintain the view that this system (full and partial legal aid) is not provided for by 111/2017 law, and fill the table with NAP.

It is also impossible to determine an exact amount of the annual income and assets spent on a free legal aid because these depends on the nature of the case, (number of experts, psychologists etc)

Q088 (2021): The classification of full and partial legal aid is not a classification provided by law no. 111/2017, law. According to article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". 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 article, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. 3. The income of a person, not living in a household, shall be considered insufficient if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force.

4. If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 shall not apply. The income of this person shall be considered insufficient if it is lower than the level of the minimum wage, as defined according to the legislation in force.

5. The property of a person shall be considered if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force.

Q088-1 (2022): within 5 days from the date of registration of the request, when the request is submitted the beginning of the process

judgement

Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training programs for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance Directorate Free Legal

Q088-1 (2021): -Primary legal aid: If the conditions are met, primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. No maximum time duration is prescribed in law/regulation. The actual average duration is 2 (two) days.

-Secondary legal aid: • The court has to decide within 5 days from the date of receipt of the request when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law when the request has been filed during the judicial examination. The actual average duration is 1 month.

Q163 (General Comment): Other specific arrangements means:

- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant's right to use the language he/she speaks or understands or either use the sign language, as well as be assisted by a translator and interpreter if he/she has disabilities in speaking and hearing. - prohibiting the publication of the personal data and photos of the juvenile defendants and witnesses; - physical protection, by the warrant of defense for the cases of violence due to the family relations, entry in the program of the defendants defense, etc.; - the right to compensation for damages through the civil lawsuit to whom that has suffered damage from the criminal offense.

Q163 (2022): Regarding all discrepancies between years, the legal provisions have not changed. There are different procedures that can be applied to different categories but these procedures are not measures taken by the court such as placing the victims in a special facility for victim of abuse, are measures taken by local authorities.

Q163 (2019): Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;
- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>) whereas the new code on criminal justice for minors was adopted by law 37/2017 (text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/109-criminal-code-for-children/120-criminal-code-for-children-en>)

Bosnia and Herzegovina

Q086-0-0 (General Comment): Legal aid is exercised in different types of court proceedings as a right to:

- a) general information on rights and obligations,
- b) legal advice and assistance in filling out forms,
- c) legal assistance in compiling all types of correspondence,
- d) representation in court,
- e) making an appeal and
- f) legal assistance in the procedures of peaceful settlement of the dispute (e.g. mediation).

Q086-0 (General Comment): The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings.

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 (e.g. obligatory defense etc.) Also, the courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centers have been established by the legislation adopted at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizens are entitled to free legal aid provided by the legal aid institutions if they fulfill financial and property criteria prescribed by the relevant legislation.

Q086 (General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings. Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given through legal advice only by the government founded free legal aid institutions.

Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal 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, compose legal documents and give legal advice to a person who meets financial and property criteria. The data refer to the number of cases in which courts and institutions of free legal aid provided legal assistance in the described ways. It is important to that the number of persons who received free legal aid may be higher than the number of cases in which free legal aid was provided.

Q086 (2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures combating the spread of coronavirus.

Q086 (2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

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.

Q087 (General Comment): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by

institutions of different levels of government for deciding on granting free legal aid 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 2022. 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; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

Q087 (2020): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by

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Q088 (2021): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by

institutions of different levels of government for deciding on granting free legal aid 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 assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

Q088-1 (General Comment): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one may be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. Actual average duration is 8 days. This calculation is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and legal aid institutions for 2022. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

Q088-1 (2021): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the functioning of legal aid institutions. In addition, the criminal procedure codes oblige the court to urgently appoint an ex-officio attorney to the suspect/accused persons such as minors, detainees, a defendant in a criminal case in which one may be given long-term prison sentence etc.; also, pursuant to the criminal procedure codes the court will decide urgently if an attorney shall be assigned to the suspect or accused at his request if due to an adverse financial situation, he is not able to pay the expenses of the defense in the proceedings that are conducted for an offense for which a prison sentence of three or more years may be pronounced or when the interests of justice so require. This calculation of actual average duration is based on the actual duration of time passed between initial requests and final approvals for all procedures for granting legal aid completed in the reference year. The aforementioned calculation is based on the data gathered from the courts and legal aid institutions for the reporting year. The courts provided data on the timeframes with regards to deciding on requests for appointing ex-officio lawyers in criminal proceedings as well as data on granting requests for exemption from paying court taxes and other costs in the civil proceedings. The legal aid institutions provided statistics on the actual timeframes of the procedure for granting legal aid.

Q163 (General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.

Q163 (2022): Exclusion of the public, language assistance during the trial procedure for ethnic minorities or persons with disabilities, the right of a woman who is a victim of domestic violence to enjoy the use of a safe house, physical protection during court proceedings, prohibition of questioning the injured party about sexual experience before the commission of the criminal act, and if such examination has already been carried out, the court decision cannot be based with such a statement, the prosecutor is obliged to inform the competent social welfare authority about the criminal proceedings against minors.

Q163 (2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile.

Montenegro

Q086 (2020): The total number of filed requests for free legal aid in 2020 is 365. Unfortunately, we are not able to provide other data under question 86.

Q086 (2019): In 2019, number of filed requests for free legal aid was 487. With five requests from previous year, there were total 492 cases. Number of accepted - 417

Number of rejected - 56 Number of dismissed - 1 Number of suspended - 18

Q087 (General Comment): The property is not priced according to the amount. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :

- 1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
- 2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,
- three-bedroom apartment for a family of four or more members;

2) agricultural land or commercial forest area up to:

- 20 a (are) for an individual,
- 30 a (are) for a family with two members,
- 40 a (are) for a family of three members,
- 50 a (are) for a family of four members,
- 60 a (are) for a family of five or more members;

3) other land area up to 2 hectares, other than urban construction land

4) securities having a market value up to one average monthly income;

5) personal passenger vehicle of the value equaling four average wages in Montenegro which is determined on the basis of an estimate of the competent tax authority;

6) objects that have been exempted from enforcement in accordance with the regulations governing civil cases and secured claims;

7) personal passenger vehicle of the value equaling four average wages in Montenegro which is determined on the basis of an estimate of the competent tax authority;

8) a property generating income which is, under this law, taken into account in determination of financial standing of the applicant filing for free legal aid;

The following is not considered income according to the Law on Free Legal Aid:

- 1) allowance for care giving and other benefits concerning care, as well as the caregiver allowance,
- 2) child allowance;
- 3) allowance for newborns' equipment;
- 4) costs of transportation to work, allowance received for food during workday (meal allowance) and per diems for business trips;
- 5) scholarships and other entitlements intended for the provision of training and education;
- 6) employment income of persons with disabilities who benefit from institutional care, which is received apart from the criteria applicable on regular employment;
- 7) funds intended for the mitigation of consequences of natural disasters and other accidents;
- 8) allowance for the child in foster care which is received by family of the applicant;
- 9) award of non-pecuniary damage as a result of reduced everyday life activity;
- 10) benefits received on the basis of legal support of children.

Q087 (2019): The property is not priced according to the amount. See paragraph 5 of the response below. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by: a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount, whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are:

- 1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.
- 2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,
- three-bedroom apartment for a family of four or more members;

2) agricultural land or commercial forest area up to:

- 20 a (are) for an individual,
- 30 a (are) for a family with two members,
- 40 a (are) for a family of three members,
- 50 a (are) for a family of four members,
- 60 a (are) for a family of five or more members;

3) other land area up to 2 hectares, other than urban construction land

4) securities having a market value up to one average monthly income;

5) personal passenger vehicle of the value equaling four average wages in Montenegro which is determined on the basis of an estimate of the competent tax authority;

6) objects that have been exempted from enforcement in accordance with the regulations governing civil cases and secured claims;

7) personal passenger vehicle of the value equaling four average wages in Montenegro which is determined on the basis of an estimate of the competent tax authority;

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- 5) scholarships and other entitlements intended for the provision of training and education;
- 6) employment income of persons with disabilities who benefit from institutional care, which is received apart from the criteria applicable on regular employment;
- 7) funds intended for the mitigation of consequences of natural disasters and other accidents;
- 8) allowance for the child in foster care which is received by family of the applicant;
- 9) award of non-pecuniary damage as a result of reduced everyday life activity;
- 10) benefits received on the basis of legal support of children.

Q163 (General Comment): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a

court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or voiceless. 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 cannot be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.

A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.

In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

Q163 (2021): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

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Q163 (2020): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

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In Montenegro, there is a special law that applies to juvenile offenders. - The law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

Q163 (2019): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

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A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.

In Montenegro, there is a special law that applies to juvenile offenders. - The Law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

North Macedonia

Q086-0-0 (General Comment): Article 75 Criminal procedure law

Defense of indigent persons

(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.

(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

Q086-0 (General Comment): LAW ON FREE LEGAL AID

Article 4

Providers of free legal aid

(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.

(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.

(3) Preliminary legal aid shall be provided by authorised Ministry staff, an authorised association or a legal clinic (hereinafter: providers).

(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with the provisions of this law.

(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations and other income in accordance with the laws.

(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.

(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.

(8) The minister of justice shall prescribe the procedure for providing free legal aid.

PRELIMINARY LEGAL AID

CHAPTER I

GENERAL PROVISIONS

Article 5

Right to preliminary legal aid

Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.

Article 6

Scope of preliminary legal aid

The scope of preliminary legal aid is the following:

- initial legal advice on the right to use free legal aid;
- general legal information;
- general legal advice;
- assistance in completing the secondary legal aid application;
- assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children's rights; pension, disability and healthcare insurance; protection of victims of gender based violence and domestic violence; procedure for entry into the birth Register; obtaining personal identification and citizenship documents;
- writing complaints to the Anti-Discrimination Commission and to the Ombudsman, as well as petitions to the Constitutional Court of the Republic of North Macedonia for the protection of rights and freedoms.

Article 7

Providing preliminary legal aid

- (1) Preliminary legal aid is provided to any interested person.
- (2) The purpose of the initial meeting at the Ministry, at the authorised association or at the legal clinic is to explain to the interested person the nature of the issue or to help them find out whether the issue is a legal matter, whether it is in the scope of the legal services that the Ministry, the association or the legal clinic provide, as well as the types of legal aid most suitable for them.
- (3) When providing preliminary legal aid, the Ministry, the association or the legal clinic are not entitled to act on behalf and for the account of the person.
- (4) The preliminary legal aid provided by the Ministry comprises:

- initial legal advice on the right to use free legal aid;
- general legal information;
- general legal advice;
- assistance in completing the secondary legal aid application.

Section 3

SECONDARY LEGAL AID

Article 13

General provisions

- (1) Secondary legal aid shall be approved to a person in need of professional legal help by a lawyer regarding a specific legal matter and who is not in a position to pay for the costs of the procedure due to their financial standing, and whose application is justified.
- (2) Secondary legal aid shall involve representation in a procedure before a court, state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with Article 14 of this law, as well as exemption from the costs in accordance with the provision of this law and other laws.
- (3) In the secondary legal aid procedure, the Ministry shall cooperate with the Bar Association of the Republic of North Macedonia (hereinafter: the Bar Association), judicial bodies, as well as the social work centre, state agencies and other competent institutions legally bound to submit free of charge the requested information for providing secondary legal aid, where that information is delivered in accordance with the regulations on personal data protection.
- (4) For each individual secondary legal aid application, the authorised official shall issue a certificate for approving the application or they shall adopt a public information act notifying the applicant (hereinafter: notification) that their application has been declined.
- (5) The certificate for approving secondary legal aid shall:
 - authorise the designated lawyer to provide secondary legal aid;
 - exempt the beneficiary from court fees and court procedure costs, in accordance with the law;
 - exempt the beneficiary from administrative fees.
- (6) The expertise of paragraph (5), item 3, hereof shall be provided through the Bureau for Court Expertise, in accordance with the Law on Court Expertise.
- (7) The costs of providing secondary legal aid in accordance with the procedures stipulated by this law shall be covered by funds from the Ministry budget.
- (8) If the secondary legal aid beneficiary is successful in their dispute and the court mandates the other party to compensate the costs of the procedure, in full or partially, in accordance with the legal provisions on the judicial procedure, then in the judgment the court shall mandate the other party to remit the amount of the procedure costs to the account of the Budget of the Republic of North Macedonia.
- (9) In accordance with the Law on Enforcement, the creditor for collecting the costs in the enforcement procedure under paragraph (8) hereof shall be the Republic of North Macedonia.
- (10) In accordance with this law, free legal aid does not cover the costs that the free legal aid beneficiary is obliged to compensate if their litigation is unsuccessful.
- (11) Secondary legal aid covers the costs of the procedure incurred after the day of approval of the secondary legal aid application.

Q086 (2021): In 2021 there were 1610 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). 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.

Q086 (2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 2 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 20 civil cases referred to the court for which court granted free legal aid and 137 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid. According to the new Legal aid which start with implementation in October 2019, in 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 give Ministry of justice, Associations registered in the Ministry of justice for giving on primary legal aid and legal clinics.

Q086 (2019): In 2019 there were 1372 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid (Defense of indigent persons). Additionally in the same year there were 19 civil cases referred to the court for which court granted free legal aid and 90 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid.

Q087 (2019): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

The new Law on free legal aid was adopted.

According to the Article 15 of the new Law on free legal aid, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- aylum 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 secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.

(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.

Article 18

Income requirements

(1) The financial standing of the applicant and their family members shall be considered jeopardised 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;

~~Welfare~~ benefit;

~~Continuous~~ financial aid;

~~One-off~~ financial aid and aid in kind;

~~Financial~~ compensation for accommodation costs for a placed person and foster family placement compensation;

~~One-off~~ financial aid for a newborn;

~~Child~~ support indexed to the rise of living costs for the previous year, released by the State Statistical Office in January for the current year;

~~Council~~ housing benefit

~~Fees~~ for the applicant and their family members for census work related to a census of the population, households and homes in the Republic of North Macedonia;

~~Stipend~~;

~~Funds~~ approved by a competent authority for medical treatment abroad;

~~Benefit~~ for persons with impaired hearing;

~~Benefit~~ for persons with impaired sight and persons with impaired mobility;

~~Wage~~ compensation for shorter working hours due to caring for a physically or mentally impaired child; and

~~Financial~~ aid for a person with the status of an orphan without parental care up to the age of 18.

(4) When determining income as grounds for approving secondary legal aid, what shall be considered is the average monthly net income and the income listed under paragraph (2) hereof received by the legal aid applicant and the family members in their household over the six months prior to filing the secondary legal aid application.

(5) If the income cannot be established in accordance with paragraph (4) hereof due to the inconsistent monthly income of the applicant and their family members, then the calculation shall be made from the intermittent income over the 12 months prior to the month when the secondary legal aid application was filed.

Article 19 Asset requirements

(1) An applicant shall be approved secondary legal aid if it is established on the grounds of the submitted statement of financial standing of the applicant and their family members that:

~~the~~ applicant and their family members own only one single housing unit or a flat in a building;

~~In~~ addition to the property of item 1 hereof, the applicant and their family members also own one or more physically connected lots not exceeding 300 m² in Skopje or 500 m² in other municipalities in the Republic of North Macedonia, i.e. one or more lots with a total area of no more than 5000 m² in rural areas;

~~the~~ legal aid applicant and their family members own only one registered motor vehicle with an engine displacement under 1200 cc.

(2) Within the meaning of this law, the following shall not be considered assets:

- items exempt from enforcement in accordance with the Law on Enforcement;
- income from property that this law takes into account when determining the income of the legal aid applicant or their family members;
- a registered passenger vehicle that the applicant uses to transport a disabled household member; and
- natural non-arable land (rocky land, ravines, etc.), as well as meadows, pastures, giant reeds and marshlands of class 5, 6, 7 and 8, in accordance with the Law on the Real Estate Cadastre.

Article 20

Approving secondary legal aid

without establishing financial standing

(1) By exception to Article 18 and Article 19 of this law, secondary legal aid shall be approved without establishing the financial standing of the applicant and their family members if:

- the applicant is in a foster family, assisted living or social welfare institution, as decided by a social work centre (hereinafter: special circumstances);
- the applicant needs to initiate and be represented in a procedure before a court in order to impose interim barring orders against domestic violence; or
- the applicant finds themselves in a financial situation preventing them from ensuring the protection of their rights independently due to a natural disaster, force majeure or circumstances beyond their control.

(2) In the case of paragraph (1), items 2 and 3, hereof, secondary legal aid shall be approved only if the applicant submits a document that they have been registered as a victim of domestic violence, i.e. documents by a competent authority that they have suddenly found themselves in a financial situation that has arisen within six months prior to the month when they have applied for secondary legal aid, and if the legal matter that is subject to the secondary legal aid application is related to the fact that the secondary legal aid applicant has found themselves in the situation preventing them from protecting their rights.

Article 21

Merit of the application

(1) In assessing whether to approve secondary legal aid, in addition to the requirements under Articles 18 and 19, i.e. Article 20 of this law, it is also necessary to establish the merit of the application.

(2) An application shall be considered to be without merit in the following instances:

- when it is obvious that the application is unfounded due to the lack of legal facts as grounds for legal action;
- when there is obvious abuse of the right to free legal aid;
- the legal matter subject to the legal aid application is obviously unreasonable;
- if the expectations and claims of the applicant are clearly contrary to the outcome for issues with the same or similar facts for the same legal issues; and
- when the applicant's claims are immoral.

Q088 (General Comment): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

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 secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.

(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.

Article 18

Income requirements

(1) The financial standing of the applicant and their family members shall be considered jeopardised 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;
~~P~~ension in the Republic of North Macedonia or abroad;
~~F~~inancial benefit for unemployment;
~~R~~eported or earned net income in the Public Revenue Office;
~~I~~ncome from financial support in agriculture and rural development from the preceding year;
~~M~~ilitary or civil disability;
~~I~~ncome from temporary work abroad;
~~I~~ncome from financial instruments;
~~I~~ncome from real estate;
~~F~~unds with a payment operations carrier;
~~L~~egal support; and
~~G~~ifts 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:

~~C~~ompensation for support and care by another person;
~~P~~arental benefit for children;
~~C~~hild benefit and special benefit;
~~D~~isability benefit;
~~W~~elfare benefit;

Article 22

Grounds to decline secondary legal aid

A secondary legal aid application shall be declined if:

~~the~~ applicant does not fall into any of the categories provided in Article 15 of this law;
~~the~~ legal matter that is subject to the secondary legal aid application is not provided as a legal matter for which secondary legal aid is approved in accordance with this law;
~~the~~ application is without merit in accordance with Article 21 of this law;
~~the~~ applicant has failed to apply for secondary legal aid timely, in accordance with Article 25, paragraph (5), of this law;
~~the~~ authority competent for handling the legal matter has helped the applicant, has advised them of the possibilities to handle it, has prepared the necessary documents for protection or has otherwise helped them, rendering secondary legal aid no longer necessary;
~~the~~ applicant has made avail of secondary legal aid previously, was then obliged by a Ministry decision to reimburse the costs for unjustified secondary legal aid, but has failed to do so in the stipulated time and amount;
~~it~~ relates to customs and tax affairs;
~~it~~ relates to an application for libel and insult;
~~it~~ relates to compensation for intangible damage, except for victims of crime, as well as death or severe disability, in accordance with the provisions of the Law on Obligations;
~~it~~ relates to misdemeanours;
~~it~~ relates to public and utility services stipulated in the Law on Consumer Protection and the Law on Utilities
~~the~~ cost of providing legal aid is incomparably high compared to the value of the dispute;
~~the~~ term of six months from the day of adopting a decision revoking legal aid to the applicant in accordance with Article 26, paragraph 1, item 4 of this law, has not expired;
~~the~~ term of twelve months from the day of adopting a decision revoking legal aid to the applicant in accordance with Article 26, paragraph 1, item 7 of this law, has not expired;
~~the~~ attorney has submitted a reasoned opinion that pursuing the proceedings for which secondary legal aid has been approved is without purpose, regarding the same legal matter and legal grounds; or
~~p~~roperty issues in an administrative procedure.

Q088 (2022): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.

"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published

With the changes and additions:

The methodology for calculating the amount of the minimum wage is changed;

The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);

Q088 (2021): According to article 18 of the Law on free legal aid provided below, assets for granting free legal aid are 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;
- Welfare benefit;
- Continuous financial aid;

- One-off financial aid and aid in kind;
- Financial compensation for accommodation costs for a placed person and foster family placement compensation;
- One-off financial aid for a newborn;
- Child support indexed to the rise of living costs for the previous year, released by the State Statistical Office in January for the current year;
- Council housing benefit
- Fees for the applicant and their family members for census work related to a census of the population, households and homes in the Republic of North Macedonia;
- Stipend;
- Funds approved by a competent authority for medical treatment abroad;
- Benefit for persons with impaired hearing;
- Benefit for persons with impaired sight and persons with impaired mobility;
- Wage compensation for shorter working hours due to caring for a physically or mentally impaired child; and
- Financial aid for a person with the status of an orphan without parental care up to the age of 18.

(4) When determining income as grounds for approving secondary legal aid, what shall be considered is the average monthly net income and the income listed under paragraph (2) hereof received by the legal aid applicant and the family members in their household over the six months prior to filing the secondary legal aid application.

(5) If the income cannot be established in accordance with paragraph (4) hereof due to the inconsistent monthly income of the applicant and their family members, then the calculation shall be made from the intermittent income over the 12 months prior to the month when the secondary legal aid application was filed.

Q088-1 (General Comment): LAW ON FREE LEGAL AID

Article 23

Examination of the application

(1) The authorised officer is obliged within 15 days from receiving the application:

- ~~to~~ obtain all the information required to establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- ~~to~~ examine and establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;
- ~~to~~ draft a certificate approving or a notification declining the secondary legal aid application; and
- ~~to~~ organise the first meeting between the lawyer and the secondary legal aid beneficiary, stating the date of the meeting in the certificate.

(2) The authorised officer shall check the information provided in the written statement on the financial standing of the applicant and their family members with the competent authorities who have information regarding the income and assets of natural persons. If an authorised officer deems that additional information is necessary, then they will ask the secondary legal aid applicant for the additional information within seven days from receiving the application, in accordance with the law.

(3) The request for the information of paragraph (2) hereof shall stay the deadline of paragraph (1) hereof, pending the day of receipt of the requested information.

(4) If the applicant fails within 15 days from receiving a request for additional information under paragraph (2) hereof to provide it, then within the deadline under paragraph (1) hereof, which shall resume, the authorised officer shall adopt a notification declining the secondary legal aid application.

(5) The competent authorities who have information regarding the income and assets of the secondary legal aid applicant and their family members, in accordance with paragraph (2) hereof, are obliged to deliver the requested information in accordance with the regulations for personal data protection without delay and at latest within seven days from receiving the information request.

(6) The certificate approving, i.e. the notification declining the secondary legal aid application shall be delivered to the applicant.

(7) The certificate approving the secondary legal aid application is also delivered to the lawyer.

(8) The applicant may lodge a complaint against the notification declining the secondary legal aid application to the Ministry within 15 days from receiving the notification.

(9) In the event of fundamental changes in their financial standing, the applicant may re-apply for secondary legal aid for the same legal matter and on the same legal grounds for which the authorised officer had adopted a notification declining the secondary legal aid application, except when the applicant has failed to deliver the additional information timely, within the deadline specified under paragraph (4) hereof.

(10) A secondary legal aid application shall not be examined if:

- ~~the~~ applicant makes a written statement withdrawing the secondary legal aid application, and the authorised officer shall notify the applicant that their application is not going to be examined; or
- ~~it~~ is established that the applicant has passed away after filing the application.

(11) The Ministry shall keep record of the information related to the outcome for filed secondary legal aid applications.

(12) The authorised officer is obliged to draft reports on the information related to the outcome for filed secondary legal aid applications every six months.

(13) The minister of justice shall prescribe the content, form and manner of the records for the information related to the outcome of the filed secondary legal aid applications, as well as the content of the reports under paragraph (12) hereof.

(14) The minister of justice shall prescribe the procedure for a secondary legal aid application.

The real average time for approving a request is one month, given that the requested data ex officio from other institutions do not arrive on time.

Q163 (General Comment): The Law on Criminal Procedure

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 to a serious threat for their life, health or physical integrity (endangered victims);
- 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:

- 1) when a child victim has a need for special care and protection; or
- 2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

Article 55

Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

- 1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;
- 2) to be interrogated by a person of the same gender in the police and the public prosecution office;
- 3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;
- 4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and
- 5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

Q163 (2019): The Law on Criminal Procedure

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 counselor 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 to a serious threat for their life, health or physical integrity (endangered victims);
- 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:

- 1) when a child victim has a need for special care and protection; or
- 2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

Article 55

Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

- 1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;
- 2) to be interrogated by a person of the same gender in the police and the public prosecution office;
- 3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;
- 4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and
- 5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

Serbia

Q086-0 (General Comment): The Law on Free Legal Aid ("Official Gazette of RS", No. 87 of November 13, 2018, in force from October 1st 2019): The purpose of this law is to provide every person with effective and equal access to justice. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts. When person applies for free legal aid, he/she must address to local self-government unit, which is entitled to approve/reject the request for granting free legal aid. If the request is granted, the person will be provided free legal aid by the benefactor who must be registered on a list of benefactors kept by the Minister of Justice.

Benefactor are lawyers, mediators, notaries, employees of the self-government unit, Faculties of Law and association which are registered to provide legal aid in matters of asylum and discrimination. The request for granting free legal aid can be submitted personally or legal representative or attorney, can submit it on their behalf. The Criminal Procedure Code, Article 59:

When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, court may, at the request of injured party, appoint a proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.

Article 77: Defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned attorney at his request, if criminal proceedings are conducted for a criminal offense punishable by imprisonment for more than three years. In that case, the defense costs are borne by the court's budget.

Q086 (General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries).

Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the Constitution of RS provides that everyone shall be guaranteed the right to legal aid under conditions stipulated by the law. Legal aid is provided by lawyers, as an independent and autonomous service, and legal aid offices established in the units of local self-government in accordance with the law. The court shall exempt a party from the liability of paying the costs of the proceedings where that party's material situation does not allow him/her to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices.

Q086 (2021): Please note that total data only refers to cases where legal aid is granted according to Law on Free 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.

At the same time, there are local self-government units that did not submit a report to the Ministry of Justice so it can be concluded that there were no requests in those LSU.

Q086 (2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid.

Q086 (2019): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data is not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid. Most local governments have submitted these initial reports covering the period from October 1st 2019 to January 31st 2020, and the results are as follows:

Number of free legal aid applications submitted: 1287

Number of approved claims: 1096

Bearing in mind that this is incomplete report and that local governments are still submitting data, the regular report of the Ministry of Justice will be completed at a later date, in accordance with the Law on Free Legal Aid.

Of course, the system of legal aid existed even prior to the introduction of the modern law in 2018. However, it will be only with the full implementation of this law that complete gathering of statistics will be possible. The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. 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 proceedings where that party's material situation does not allow him/her to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices. However, information on the number of these exemptions nor their amount is currently not available.

Q087 (General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.

For the category B, the income up to 34.870 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.546 EUR annually). The applicant's house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one's financial status.

Q087 (2019): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.

For the category B, the income up to 30.000 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.063 EUR annually). The applicant's house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one's financial status.

Q088 (2022): Applicant for free legal aid must have annual income value (net) equal or less than 3546 euros in order for free legal aid to be granted.

Rulebook on the form and detailed content of the application form for granting free legal aid - Article 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.

Q088 (2021): Rulebook on the form and detailed content of the application form for granting free legal aid - Article 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.

Q088-1 (General Comment): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.

The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

Q088-1 (2021): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.

The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

Q163 (General Comment): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 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 witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defence and that the witness is credible (Art. 106 CPC).

The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.

The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:

1) against constitutional order and security;

2) against humanity and other goods protected by international law;

3) organized crime.

Q163 (2020): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 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).

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1) against constitutional order and security;

2) against humanity and other goods protected by international law;

3) organized crime.

Q163 (2019): Courts are required to conduct criminal proceedings involving juveniles urgently, according to a *lex specialis* - the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles. A juvenile shall have defense counsel during the first questioning and throughout the proceedings with the presence of psychologist. Bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily. Likewise, an attorney will be appointed, and publicity will be excluded.

Other categories enjoy special arrangements if they are given the status of "especially vulnerable witness". For example, victims of human trafficking are considered especially vulnerable witnesses. The Law on Civil Procedure provides that the court may exclude the public from the whole or part of the trial if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when instructed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial. Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, or domestic violence and the rights of the child. The court has to inform the minor about his/her rights, as well as to provide the presence of experts during the whole proceedings, i.e. psychologists, pedagogues, social workers, in order to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 Criminal Procedure Code ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019)).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical 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 Criminal Procedure Code).

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 witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defense and that the witness is credible (Art. 106 Criminal Procedure Code).

The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.

The Law on Program of Protection of Participants in Criminal Proceedings ("Official Gazette of the RS", No. 85/2005) envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:

- 1) against constitutional order and security;
- 2) against humanity and other goods protected by international law;
- 3) organized crime.

Kosovo*

Q086 (2021): From the cases handled by legal aid officers in 2021, initiated by the beneficiaries of free legal aid, 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.

Q086 (2020): This year we have been able to generate the complete data for this category. Considering that the budget for Legal Aid is divided between three institutions, data on number of cases is also divided. So, this year we were able to obtain data on the number of cases when Ex officio Lawyers were paid by Kosovo Judicial and Kosovo Prosecutorial Councils. We have used the data from KJC for the cases brought to court and the data from KPC for cases not brought to court.

Q086 (2019): In Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases). However regarding the number of cases for which legal aid has been granted, only data for cases dealt by the Agency for free legal aid could be obtained

Q087 (General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

- 1.1. primary and
- 1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for 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.

Q087 (2019): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

- 1.1. primary and
- 1.2. secondary.
2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.
3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for both primary and secondary legal aid. The exact amount is defined based on the service offered (ex. Representation, Lawsuit, etc.).

Q088 (General Comment): Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria; and 1.3. legal criteria. According to the financial criteria, the legal aid is provided: 1.1. primary and 1.2. secondary. 2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid. 3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. Primary legal aid is provided to: - All persons who benefit from the right from social assistance or are in a situation similar to persons who benefit from the right from social assistance (victims of violence, marginalized groups, beneficiaries of all categories of social and pension schemes provided by the state and other schemes which are financed by the Ministry of Education, Culture, Sports, Science and Technology of RK). - All persons who are in a similar situation to persons who benefit from the right to social assistance. All applicants for free legal aid who are not beneficiaries of social schemes but whose economic situation is similar to those who live on social aid are considered such. b. Secondary legal aid Secondary legal aid is offered to all persons whose total family income is less than the average family income. Regardless of the criteria required in Article 8 and 9 of the basic law, free legal aid is offered to special categories of beneficiaries of free legal aid such as: 1.1. sexually abused persons during the war in Kosovo in 1998-1999; 1.2. victims of domestic violence; 1.3. victims who witnessed violence, who are dependent on victims of domestic violence; 1.4. victims of gender-based violence; 1.5. victims of any type of sexual violence, including sexual harassment; 1.6. victims of human trafficking; 1.7. minor victims; 1.8. children living in social care institutions; 1.9. to children under guardianship seeking to initiate proceedings without the consent of their legal guardian or against their legal guardian; 1.10. persons whose rights have been violated through an action or inaction that constitutes discrimination, based on the decision of the competent body according to the law in force on protection against discrimination; 1.11. Journalists, independent journalists, photojournalists, cameramen and editors who work in/for media licensed by the Independent Media Commission (IMC) and/or member media in the Kosovo Written Media Council (KMSHK). The Agency for Free Legal Aid does not have a regulation that regulates this issue, but in order to facilitate internal procedures, a guide has been drawn up for processing cases for free legal aid and the calculation of expenses for persons who belong to the secondary category is as follows: Calculation of income and expenses: Average salary: 528 Monthly basket: One member €50 Utilities: One member €10 Rent: / Debts: / Minimum salary: €170 It is calculated as follows: Income (average salary) - monthly basket - debts/rent payments + (if he does not have the amount of a minimum wage for living, to be offered free legal aid)

Q088-1 (General Comment): With article 32 par. 4 of Law 04 / L-017 on Free Legal Aid stipulates that "The decision to allow or reject the request is taken within five (5) working days from the date of submission of complete documentation."

Q163 (General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection during the time of the judicial proceeding. With regard to information mechanisms, for categories specified above, Courts send a mail to this categories in order to keep them informed regarding the procedure and for the next steps in the procedure. While, with special arrangements we meant the possibility for a minor to 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 case of a victim of sexual violence/rape.

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Indicator 4. Access to justice-legal aid

by question No.

Question 86-0-0. Does legal aid apply to:

Question 86-0. Please briefly describe the organisation of the legal aid system in your 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:

Question 88-1. Please indicate the 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:

Question 163. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Question 086-0-0

Bosnia and Herzegovina

(General Comment): Legal aid is exercised in different types of court proceedings as a right to:

- a) general information on rights and obligations,
- b) legal advice and assistance in filling out forms,
- c) legal assistance in compiling all types of correspondence,
- d) representation in court,
- e) making an appeal and
- f) legal assistance in the procedures of peaceful settlement of the dispute (e.g. mediation).

North Macedonia

(General Comment): Article 75 Criminal procedure law

Defense of indigent persons

(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.

(3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

Question 086-0

Bosnia and Herzegovina

(General Comment): The courts and the specialized government institutions provide free legal aid to citizens in relation to court proceedings.

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 (e.g. obligatory defense etc.) Also, the courts may make a decision on exemption from the costs of proceedings for parties in different types of proceedings (e.g. criminal, civil). In addition, free legal aid centers have been established by the legislation adopted at all levels of government as a part of the respective public administration system. Employees of free legal aid institutions represent the citizens in various types of court and non-court proceedings or give legal advice to the citizens and compose legal documents for them. Citizens are entitled to free legal aid provided by the legal aid institutions if they fulfill financial and property criteria prescribed by the relevant legislation.

North Macedonia

(General Comment): LAW ON FREE LEGAL AID

Article 4

Providers of free legal aid

(1) Free legal aid shall be provided under the conditions and in the procedure stipulated in this law.

(2) Free legal aid may be provided as preliminary legal aid and secondary legal aid.

(3) Preliminary legal aid shall be provided by authorised Ministry staff, an authorised association or a legal clinic (hereinafter: providers).

(4) Secondary legal aid shall be provided by lawyers in proceedings before a court, a state authority, the Pension and Disability Insurance Fund of North Macedonia, the Health Insurance Fund of North Macedonia, and persons with public authorisations in accordance with the provisions of this law.

(5) The funds for approving free legal aid and the costs of the provided legal aid in the proceedings stipulated in this law shall be provided from the Ministry budget, as well as from donations and other income in accordance with the laws.

(6) Approved secondary legal aid may be revoked in accordance with the provisions of this law.

(7) In cases stipulated herein, the beneficiary shall reimburse the costs of the secondary legal aid, in full or partially.

(8) The minister of justice shall prescribe the procedure for providing free legal aid.

PRELIMINARY LEGAL AID

CHAPTER I

GENERAL PROVISIONS

Article 5

Right to preliminary legal aid

Any natural person with domicile or residence on the territory of the Republic of North Macedonia shall be entitled to preliminary legal aid.

Article 6

Scope of preliminary legal aid

The scope of preliminary legal aid is the following:

- initial legal advice on the right to use free legal aid;

- general legal information;

- general legal advice;

- assistance in completing the secondary legal aid application;

- assistance in filling out forms issued by administrative authorities in an administrative procedure for social welfare and protection of children's rights; pension, disability and healthcare

Serbia

(General Comment): The Law on Free Legal Aid ("Official Gazette of RS", No. 87 of November 13, 2018, in force from October 1st 2019): The purpose of this law is to provide every person with effective and equal access to justice. Free legal aid consists of providing legal advice, drafting submissions, representation and defending in courts. When person applies for free legal aid, he/she must address to local self-government unit, which is entitled to approve/reject the request for granting free legal aid. If the request is granted, the person will be provided free legal aid by the benefactor who must be registered on a list of benefactors kept by the Minister of Justice. Benefactor are lawyers, mediators, notaries, employees of the self-government unit, Faculties of Law and association which are registered to provide legal aid in matters of asylum and discrimination. The request for granting free legal aid can be submitted personally or legal representative or attorney, can submit it on their behalf. The Criminal Procedure Code, Article 59:

When criminal proceedings are conducted for a criminal offense for which a sentence of imprisonment of more than five years may be imposed by law, court may, at the request of injured party, appoint a proxy (from the list of lawyers submitted to the court by the competent bar association) if it is in the interest of the proceedings and if the injured party financial situation, cannot bear the costs of representation.

Article 77: Defendant who, due to his financial situation, cannot pay the defense attorney's fee and expenses, will be assigned attorney at his request, if criminal proceedings are conducted for a criminal offense punishable by imprisonment for more than three years. In that case, the defense costs are borne by the court's budget.

Question 086

Albania

(2022): As for the year 2022, 7616 citizens have been treated with primary legal aid and 1030 court decisions have been administered with the object of secondary legal aid.

During 2022 according to the scope of court cases that citizens have requested secondary legal assistance, it is evident that they are mainly civil cases. Out of the total number of requests for legal aid of 1030, 691 of them are civil, where the main ones are marriage settlement, pension benefits and property conflicts. While the other two categories, where 70 are criminal and 269 are administrative cases.

(2021): We highlight that 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"

(2020): The Law no. 111/2017 on State Guaranteed Legal Aid (Law on Legal Aid) entered into force on 1 June 2018. It foresees a comprehensive system of •Primary Legal Aid (“out of court support”)

•Secondary Legal Aid (representation by an advocate in a court procedure) and the

•Exemption from court fees and court costs.

Primary legal aid is defined in Article 3 (b) of law no. 111/2017. It comprises -providing of information regarding the legal system and legal acts, -the delivery of counselling, -the delivery of advice on the procedures of mediation and the alternative means of dispute resolutions,

-the delivery of assistance in drafting and establishing of documentation to -representation before administration bodies, -the delivery of all other forms of necessary legal support not constituting secondary legal aid.

The possible providers of primary legal aid are

•Specially trained officers in primary legal aid service centers (or other premises) (Article 14)

•NPOs providing primary legal aid (Article 15)

•Legal clinics (Article 3 (ë)) providing legal aid (Article 16).

Secondary legal aid is (Article 18)

•provided by advocates included in the list approved by the National Chamber of Advocates, •upon the request (according to the form) of •the person entitled to receive secondary legal aid under articles 11 or 12 of this law. Secondary legal aid is first approved by decision of the court or proceeding body. The individual lawyer is then in principle appointed and also replaced by the local chamber of advocates

Referring to the terminology used in this report, the section "Cases brought to court" is filled with the data collected by "Secondary legal aid and exemption from court fees and fees cases" while the section "Cases not referred to court" is completed with "primary legal aid" data.

Also, we highlight that the Instruction No. 1, dated 08/03/2019 of the Minister of Justice on “The approval of rules and procedures for the collection, completion and administration of registers’ data” determines that: 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 within the first 5 (five) days of the month following the reference month. Consequently, in the conditions when the data on the cases handled during February are reported within 5 March 2021, the cases handled by primary and secondary legal aid providers for February 2021, are not included in this report.

(2019): Notes:

Law no. 111/2017, "On State-Guaranteed Legal Aid", entered into force on June 1-st 2018. This law, part of the legal package of the judicial reform in Albania, provided the termination of the existence of the State Commission of Legal Aid (existing institution of the time) and the establishment of the Free Legal Aid Directorate, as the responsible institution for administering free legal aid system.

The establishment of the Free Legal Aid Directorate was accomplished by the Prime Minister order no. 59, date 25.03.2019, about 1 year after the entry into force of the law.

Consequently, during this transitional period until the establishment of the Free Legal Aid Directorate we have no treatment of free legal aid cases.

Consequently, the data represented in the table regards the period of May 2019 to December 2019

-Cases brought to court,

Law 111/2017, unlike the repealed law, provides as a form of legal aid even the:

a) exemption from the payment of general and special fees (as provided by the law on court fees of the Republic of Albania); b) payment of court expenses (costs for witnesses, experts, translators, examinations of places and items etc)

The decision to provide the aforementioned services, together with the request to provide counseling and representation before the court, is given by a decision of the competent court under the procedural law. Every court decision is communicated to the Free Legal Aid Directorate together with the respective fee which is held in the account of the Directorate's budget.

-Cases not brought to court.

For the cases not brought to court that the law classifies as “primary legal aid”, should be stressed that the low level of these cases came as a result of the short period of functioning of the Free Legal Aid Directorate. The law provides that primary legal aid is accorded by: a) Primary legal aid service centers; b) Authorized non-profit organizations; c) Legal clinics at higher education institutions.

Currently, the Free Legal Aid Directorate administers only one Primary legal Aid service center in the city of Elbasan. We are in a situation where the procedure for authorizing non-profit organizations and legal clinics has not yet begun, so the above statistics for cases not brought to court are accorded only for the Primary legal Aid service center in Elbasan

It should also be stressed that the table does not include “mandatory protection cases” under provisions of criminal procedural legislation because this type of legal assistance does not fall into the scope of 111/2017, law

Bosnia and Herzegovina

(General Comment): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

Cases not brought to court: cases (civil, enforcement, administrative, administrative-non judicial, criminal/misdemeanor, etc.) in which free legal aid was given through legal advice only by the government founded free legal aid institutions.

Free legal aid is provided in courts and by the specialized free legal aid institutions formed by the different levels of government in Bosnia and Herzegovina. Free legal aid is provided by the courts in criminal 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, compose legal documents and give legal advice to a person who meets financial and property criteria. The data refer to the number of cases in which courts and institutions of free legal aid provided legal assistance in the described ways. It is important to that the number of persons who received free legal aid may be higher than the number of cases in which free legal aid was provided.

(2020): Legal aid institutions reported that their caseload was reduced in 2020 following the introduction of measures combating the spread of coronavirus.

(2019): Criminal cases brought to court: cases (criminal/misdemeanor) in which free legal aid was given through representation in court and cases in which free legal aid was given for the costs of proceedings.

Other cases brought to court: cases in which free legal aid was given through representation in court and the preparation of legal documents, cases in which free legal aid was given only through preparation of legal documents required within the court procedure, and cases in which free legal aid was given only for the costs of proceedings.

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.

Montenegro

(2020): The total number of filed requests for free legal aid in 2020 is 365. Unfortunately, we are not able to provide other data under question 86.

(2019): In 2019, number of filed requests for free legal aid was 487. With five requests from previous year, there were total 492 cases. Number of accepted - 417
Number of rejected - 56 Number of dismissed - 1 Number of suspended - 18

North Macedonia

(2021): In 2021 there were 1610 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid.

(2020): In 2020 there were 1586 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 2 cases referred to the court for which court granted free legal aid.

(2019): In 2019 there were 1372 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 3 cases referred to the court for which court granted free legal aid.

Serbia

(General Comment): The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, etc.).

(2021): Please note that total data only refers to cases where legal aid is granted according to Law on Free Legal Aid, due to 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 to the Ministry of Justice so it can be concluded that there were no requests in those LSU.

(2020): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data were not available. Even when it is adequately gathered, as it applies to only the

(2019): The Law on Free Legal Aid (2018) began to be applicable on October 1st 2019 which is why complete data is not available. Even when it is adequately gathered, as it applies to only the last quarter of the year, we do not believe it adequate to state the data from 2019 in the tables to be compared in the following cycles. The Ministry of Justice has launched the initial data collection in late January 2020 to determine data on the implementation of the Law on Free Legal Aid. Most local governments have submitted these initial reports covering the period from October 1st 2019 to January 31st 2020, and the results are as follows:

Number of free legal aid applications submitted: 1287

Number of approved claims: 1096

Bearing in mind that this is incomplete report and that local governments are still submitting data, the regular report of the Ministry of Justice will be completed at a later date, in accordance with the Law on Free Legal Aid.

Of course, the system of legal aid existed even prior to the introduction of the modern law in 2018. However, it will be only with the full implementation of this law that complete gathering of statistics will be possible. The Law distinguishes free legal aid (legal advice, representation before court, defense, drafting of motions) and free legal support (general legal information, mediation, services of public notaries). Legal advice and general legal information are available to everyone and are not subject to approval. The Law prescribes that citizens shall address local self-government units (hereinafter: LSG) to apply for free legal aid. Staff in LSG decide on the applications pursuant to Articles 4 and 7 of the Law (eligibility). Article 67 of the 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 proceedings where that party's material situation does not allow him/her to bear such costs. Exemption from the payment of the costs of proceedings includes exemption from the payment of fees and the deposit for the costs of witnesses, expert witnesses, on-site inspections and court notices. However, information on the number of these exemptions nor their amount is currently not available.

Kosovo*

(2021): From the cases handled by legal aid officers in 2021, initiated by the beneficiaries of free legal aid, 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.

(2020): This year we have been able to generate the complete data for this category. Considering that the budget for Legal Aid is divided between three institutions, data on number of cases is :

(2019): In Kosovo, the budget for legal aid is divided between three institutions: Free legal aid agency (for civil cases), KJC and KPC (for criminal cases). However regarding the number of cases fr

Question 087

Albania

(General Comment): 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". 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

(2019): The classification of full and partial legal aid is not a classification provided by 111/2017, law. According to Article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order.

It is unclear whether all forms of legal aid can be considered as "full legal aid" or we will maintain the view that this system (full and partial legal aid) is not provided for by 111/2017 law, and fill the table with NAP.

It is also impossible to determine an exact amount of the annual income and assets spent on a free legal aid because these depends on the nature of the case, (number of experts, psychologists etc)

Bosnia and Herzegovina

(General Comment): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid 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 2022. 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; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

(2020): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid in Bosnia and Herzegovina; these criteria are linked to the amount of average salary. These institutions also use different criteria for owning property for granting or refusing free legal aid cumulatively with the income criterion, as well as other additional criteria (e.g. income of other family members); however, these property criteria are 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; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

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Montenegro

(General Comment): The property is not priced according to the amount. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by :a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

The right to free legal aid, without the assessment of financial standing, may be exercised by: a beneficiary of family allowance or any other social care benefit, in accordance with the law governing social and child care, a child without parental care, a person with disability, a victim of the criminal offence involving domestic violence or violence in domestic unit and human trafficking; as well as the victim of domestic violence in accordance with the Law regulating the protection against domestic violence; person of poor financial standing.

The person of poor financial standing is entitled to receive free legal aid, while his/her financial standing is estimated on the basis of his/her property and property of his/her family members.

The person of poor financial standing is a person who has no property, while his/her monthly income and the total monthly income of his/her family members does not exceed 30% of the average wage in Montenegro for one member and 15% of the average wage for every next member. Legal aid may also be granted to a person whose income and the income of his family members do not exceed twice the amount , whose assets do not exceed twice the volume, surface, or the value of the property if that is a person or member of his family provided that the said person and his family members are :

1) economically disadvantaged due to family circumstances, medical condition or other reasons beyond the control of the Applicant and his family members.

2) have come into a state of vulnerability due to non-resolution of cases which resulted in a violation of the right to trial within a reasonable time, and related items that have been requested for legal aid.

Family members are marriage or domestic partnership spouses and their children, adopted children and any other relatives living with them in domestic unit, whom he/she is obligated to support.

The following is not considered property flat or residential building in the extent to:

- one-bedroom apartment for an individual,
- two-bedroom apartment for a family of two or three members,
- three-bedroom apartment for a family of four or more members;

2) agricultural land or commercial forest area up to:

- 20 a (are) for an individual,
- 30 a (are) for a family with two members,
- 40 a (are) for a family of three members,
- 50 a (are) for a family of four members,
- 60 a (are) for a family of five or more members;

3) other land area up to 2 hectares, other than urban construction land

(2019): The property is not priced according to the amount. See paragraph 5 of the response below. In accordance with the Law on Free Legal Aid the right to free legal aid may be exercised by:a Montenegrin citizen; a person without citizenship (stateless person) who resides legally in Montenegro or a person seeking asylum in Montenegro; a foreigner with permanent residence or temporary residence or any other person legally residing in Montenegro; any other person in accordance with the ratified international treaties.

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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.

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- 60 a (are) for a family of five or more members;

3) other land area up to 2 hectares, other than urban construction land

North Macedonia

(2019): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

The new Law on free legal aid was adopted.

According to the Article 15 of the new Law on free legal aid, the following persons are eligible to apply for secondary legal aid:

- a citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- a foreign national with a permit for temporary or permanent stay in the Republic of North Macedonia, or a stateless person legally staying in the Republic of North Macedonia;
- a person entitled to legal aid provided by the Republic of North Macedonia pursuant to the international treaties ratified in accordance with the Constitution of the Republic of North Macedonia; and
- asylum seekers.

*The Law on free legal aid

CHAPTER II. CRITERIA FOR APPROVING SECONDARY LEGAL AID

Article 17

General criteria for approving secondary legal aid

(1) The secondary legal aid applicant (hereinafter: the applicant) shall be entitled to secondary legal aid if their financial standing prevents them from exercising their constitutional and legal rights without jeopardising their livelihood and the livelihood of the family members in their household.

(2) The financial standing of the applicant and their family members shall be established on the grounds of a written statement on their financial standing (hereinafter: the statement) provided by the legal aid applicant as part of the secondary legal aid application.

(3) The applicant shall be approved secondary legal aid if:

- they meet the income and property criteria stipulated in Article 18 and Article 19 of this law; or
- they meet the criteria stipulated as an exception for approving legal aid under Article 20 of this law.

(4) The applicant shall be approved secondary legal aid if in addition to the criteria of paragraph (3) hereof, the secondary legal aid application is justified in accordance with Article 21 of this law.

(5) If the applicant provides inaccurate information regarding their financial standing or the financial standing 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 secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.

(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.

Serbia

(General Comment): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019.

Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.

For the category B, the income up to 34.870 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.546 EUR annually). The applicant's house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one's financial status.

(2019): The Law on Free Legal Aid ("Official Gazette of the Republic of Serbia", No. 87/2018) was adopted in November 2018 and its implementation started in October 2019. Training of staff in all local self-government units was organized with the support of MDTF JSS, resulting in over 300 individuals authorized to decide on free legal aid applications. All implementing bylaws have been adopted. Registry of all free legal aid providers is available at the website of the Ministry of Justice, including lawyers, local self-government units CSOs, notaries and mediators. All the bylaws are also available at the website of the Ministry.

The Law on FLA regulates the provision of full legal aid. Partial legal aid is not prescribed by law. Full legal aid is available to 3 categories: A) a person who is eligible for social welfare payments under the law governing social welfare or for child allowance under the law governing financial support to families with children and members of that person's family or household, B) he is neither eligible for social welfare payments nor for child allowance but would become eligible for them if he had to pay for legal aid from his own resources, and C) vulnerable groups, regardless of financial status: (1) a child whose right, obligation or interest grounded in law is to be decided in the proceedings conducted before the court, a state authority or a public authority; 2) a person subjected to a security measure of compulsory psychiatric treatment and confinement in a medical institution or a protective measure of compulsory psychiatric treatment; 3) a person faced with the proceedings for partial/total deprivation or restoration of business capacity; 4) a person exercising the right to legal protection from domestic violence; 5) a person exercising the right to legal protection from torture, inhuman or degrading treatment or punishment, or human trafficking; 6) a person seeking asylum in the Republic of Serbia; 7) a refugee, a person enjoying subsidiary protection or an internally displaced person; 8) a disabled person; 9) a child protected by using accommodation services in the social welfare system; 10) a child or a young person no longer using accommodation services until the age of 26; 11) an adult or an elderly person placed in a social welfare institution against his will; 12) a person exercising the right to have his time and place of birth established under the law governing non-adversarial proceedings; 13) a person who has been affected by forceful displacement or relocation pursuant to the law governing residence.

For the category B, the income up to 30.000 rsd per month is prescribed in the relevant bylaw as the amount placing an individual in the eligible category for free legal aid (i.e. 3.063 EUR annually). The applicant's house or immovable property utilized for work or a vehicle utilized for work are excluded from calculation of one's financial status.

Kosovo*

(General Comment): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

3. The Secondary legal aid shall be provided to all persons who's gross family incomes are lower than the average family incomes. The amount of legal aid is specified by the free Legal Aid Agency. The fix tariffs are adopted by the Council of Free Legal Aid. The tariffs are divided in two main groups: up to 100 Euro and over 100 euro but the total amount for a case cannot exceed 500 euro. The tariffs are the same for 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.

(2019): According to the article 8 of the law on Free Legal Aid, the legal aid is provided:

1.1. primary and

1.2. secondary.

2. The Primary legal aid shall be provided to all persons that acquire the right from social aid, or are in similar situation with persons acquiring the right from social aid.

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Question 088

Albania

(2021): The classification of full and partial legal aid is not a classification provided by law no. 111/2017, law. According to article 5 of this law, legal aid is provided in the following forms: a) Primary legal aid; b) Secondary legal aid; c) exemption from payment of court fees and exemption from the obligation to pay the enforcement fee of the enforcement order. It is unclear whether all forms of legal aid can be considered as "full legal aid". 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 article, if the total income of all household members, divided by their number, is lower than 50 percent of the monthly minimum wage, as defined according to the legislation in force. 3. The income of a person, not living in a household, shall be considered insufficient if it is lower than the level of the monthly minimum wage, as defined according to the legislation in force.

4. If a person living in a household requests legal aid for a case against another member of the same household, paragraph 2 shall not apply. The income of this person shall be considered insufficient if it is lower than the level of the minimum wage, as defined according to the legislation in force.

5. The property of a person shall be considered if its total value does not exceed the value of 36 monthly minimum wages, as defined according to the legislation in force.

Bosnia and Herzegovina

(2021): The amount provided above is an estimate made on the basis of varying financial criteria for granting free legal aid used by institutions of different levels of government for deciding on granting free legal aid 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 assets criteria: beneficiaries of legal aid may not own or co-own a business; they also may not own two or more housing units (i.e. a house or a flat) and they may not own business premises. Partial legal aid does not exist in Bosnia and Herzegovina.

North Macedonia

(General Comment): North Macedonia has dual system of legal aid. First one through Ministry of Justice according to the Law on free legal aid, and second through courts according to the Law on Civil Procedure (legal aid for poor parties) and law on Criminal Procedure (obligatory defense).

According to the Article 15 of the new Law on free legal aid, which started with implementation in October 2019, the following persons are eligible to apply for secondary legal aid:

- ~~is~~ citizen of the Republic of North Macedonia with domicile in the Republic of North Macedonia;
- ~~is~~ 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;
- ~~is~~ 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
- ~~is~~ 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 secondary legal aid application prior to the expiry of 12 months from the delivery of the notification.

(6) In establishing the financial standing of the applicant and their family members, the income and property of the family members who appear as an opposing party in the procedure subject to the secondary legal aid application shall not be taken into account.

Article 18

(2022): According to article 18 of the Law on free legal aid , assets for granting free legal aid are evaluated depending of the monthly minimum net wage.

"Official Gazette of RSM" No. 41/22, the law on amendments and additions to the Law on Minimum Wage in the Republic of North Macedonia was published

With the changes and additions:

The methodology for calculating the amount of the minimum wage is changed;

The amount of the minimum wage for the period March 2022 to February 2023 is prescribed (26,422 gross or 18,000 denars net);

(2021): According to article 18 of the Law on free legal aid provided below, assets for granting free legal aid are 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;
- Welfare benefit;
- Continuous financial aid;
- One-off financial aid and aid in kind;

Serbia

(2022): Applicant for free legal aid must have annual income value (net) equal or less then 3546 euros in order for free legal aid to be granted.

Rulebook on the form and detailed content of the application form for granting free legal aid - Article 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.

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The Law on Free Legal Aid does not recognize partial legal aid, only full legal aid.

Kosovo*

(General Comment): Free legal aid is provided to all persons who fulfill the criteria as follow: 1.1. qualification criteria; 1.2. financial criteria; and 1.3. legal criteria. According to the financial crit

Question 088-1

Albania

(2022): within 5 days from the date of registration of the request, when the request is submitted the beginning of the process

judgement

Referring to Article 9 point "d" of Law no. 111/2017 "On legal aid guaranteed by the state" provides that: The National Chamber of Advocacy prepares and organizes continuous training programs for lawyers included in the list of lawyers who offer secondary legal aid services, in cooperation with the Assistance Directorate Free Legal

(2021): -Primary legal aid: If the conditions are met, primary legal aid is delivered immediately (if possible) or a date for the provision of primary legal aid is given to the party. No maximum time duration is prescribed in law/regulation. The actual average duration is 2 (two) days.

-Secondary legal aid: • The court has to decide within 5 days from the date of receipt of the request when the request has been submitted before initiation of the judicial proceeding (paragraph a); • during the preliminary actions or in the preparatory session before the scheduling of the judicial session/hearing, when the request for legal aid has been submitted • according to the provisions of the procedural legislation and the provisions of this law when the request has been filed during the judicial examination. The actual average duration is 1 month.

Bosnia and Herzegovina

(General Comment): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the

(2021): Maximum duration prescribed in law for deciding on granting initial legal aid request is 15 days. This deadline applies to all types of cases. It is prescribed in the relevant legislation on the

North Macedonia

(General Comment): LAW ON FREE LEGAL AID

Article 23

Examination of the application

(1) The authorised officer is obliged within 15 days from receiving the application:

~~to~~ obtain all the information required to establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;

~~to~~ examine and establish whether the applicant meets the secondary legal aid criteria stipulated in Section 3, Chapter II, of this law;

~~to~~ draft a certificate approving or a notification declining the secondary legal aid application; and

~~to~~ organise the first meeting between the lawyer and the secondary legal aid beneficiary, stating the date of the meeting in the certificate.

(2) The authorised officer shall check the information provided in the written statement on the financial standing of the applicant and their family members with the competent authorities who have information regarding the income and assets of natural persons. If an authorised officer deems that additional information is necessary, then they will ask the secondary legal aid applicant for the additional information within seven days from receiving the application, in accordance with the law.

(3) The request for the information of paragraph (2) hereof shall stay the deadline of paragraph (1) hereof, pending the day of receipt of the requested information.

(4) If the applicant fails within 15 days from receiving a request for additional information under paragraph (2) hereof to provide it, then within the deadline under paragraph (1) hereof, which shall resume, the authorised officer shall adopt a notification declining the secondary legal aid application.

(5) The competent authorities who have information regarding the income and assets of the secondary legal aid applicant and their family members, in accordance with paragraph (2) hereof, are obliged to deliver the requested information in accordance with the regulations for personal data protection without delay and at latest within seven days from receiving the information request.

(6) The certificate approving, i.e. the notification declining the secondary legal aid application shall be delivered to the applicant.

(7) The certificate approving the secondary legal aid application is also delivered to the lawyer.

(8) The applicant may lodge a complaint against the notification declining the secondary legal aid application to the Ministry within 15 days from receiving the notification.

(9) In the event of fundamental changes in their financial standing, the applicant may re-apply for secondary legal aid for the same legal matter and on the same legal grounds for which the authorised officer had adopted a notification declining the secondary legal aid application, except when the applicant has failed to deliver the additional information timely, within the deadline specified under paragraph (4) hereof.

(10) A secondary legal aid application shall not be examined if:

~~the~~ applicant makes a written statement withdrawing the secondary legal aid application, and the authorised officer shall notify the applicant that their application is not going to be examined; or

~~it~~ is established that the applicant has passed away after filing the application.

Serbia

(General Comment): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.

The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

(2021): Article 32 Law on Free Legal Aid :The procedure on the request for granting free legal aid is urgent.

The local self-government unit shall issue a decision on the request within eight days from the day of receipt of the request, and if it has requested additional documentation from the applicant, within eight days from the day when it was submitted to him.

Kosovo*

(General Comment): With article 32 par. 4 of Law 04 / L-017 on Free Legal Aid stipulates that "The decision to allow or reject the request is taken within five (5) working days from the date of submission of the request to the competent authority."

Question 163

Albania

(General Comment): Other specific arrangements means:

- closed-door trial for the juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking; - the defendant's right to use the language he/she speaks or understands or either use the same 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 defense, etc.; - the right to compensation for damages through the civil lawsuit to whom that has suffered damage from the criminal offense.

(2022): Regarding all discrepancies between years, the legal provisions have not changed. There are different procedures that can be applied to different categories but these procedures are not

(2019): Other specific arrangements mean:

- closed-door trial of juvenile defendants, witnesses or victims, sexually abused victims, victims of trafficking;
- the right of the defendant to use the language spoken or understood or to use sign language, as well as to be assisted by an interpreter and interpreter if he has limited speech and hearing disabilities;
- prohibiting the publication of personal data or photos of juvenile defendants and witnesses;
- physical protection, by order of protection for cases of domestic violence, inclusion in the witness protection program, etc;
- the right to compensation for damages through the civil lawsuit of one who has suffered damages from a criminal offense.

Two very important pieces of legislation of the justice reform were the amendment of the Criminal Procedure Code and the introduction of a new code on criminal justice for minors. Criminal Procedure Code was amended by law no 35/2017 (link of the consolidated text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/11-criminal-procedure-code/172-criminal-procedure-code-en>) whereas the new code on criminal justice for minors was adopted by law 37/2017 (text of the code in English <https://euralius.eu/index.php/en/library/albanian-legislation/send/109-criminal-code-for-children/120-criminal-code-for-children-en>)

Bosnia and Herzegovina

(General Comment): Only general information mechanisms prescribed by law are provided in the proceedings to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile persons.

(2022): Exclusion of the public, language assistance during the trial procedure for ethnic minorities or persons with disabilities, the right of a woman who is a victim of domestic violence to enjo

(2019): Only general information mechanisms prescribed by law are applied to the categories of vulnerable persons.

Other special arrangements: the possibility of an in camera proceeding, excluding the public, the language assistance during a court proceeding for ethnic minorities or disabled persons, the right for a woman who is a victim of family violence to enjoy the use of the house, the physical protection during the time of the judicial proceeding, the ban to ask an injured party about their sexual experience prior to commission of the criminal offense and if such questioning has already been carried out, the court decision cannot be based on such statement, the obligation of the prosecutor to inform the competent social welfare authority about the criminal procedure against the juvenile.

Montenegro

(General Comment): The Criminal Procedure Code stipulates that the injured party who is the victim of a criminal offense against sexual liberty shall be entitled to hearing and the procedure conducted by a judge of the same sex, if it allows the personnel composition of the court. The injured party - victim of a criminal offence against sexual liberty, as well as child being heard in the capacity of witness, shall be entitled to testify in separate premises before a judge and a court reporter, whereas the Prosecutor, accused person and defense attorney shall be given the possibility to view the course of hearing from other premises and to put questions to the witness, after having been duly instructed by the court thereon. The instruction shall be entered in the record. The court may decide that this provision be also applied to the testimony of the injured party who is the victim of discrimination.

The Criminal Procedure Code also stipulates specific rules for the hearing of the accused or a witness who is deaf or voiceless. 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 cannot be conducted in this way, an interpreter shall be summoned to communicate with defendant or witness.

A person with special needs, a victim of a crime of family or domestic violence and of human trafficking is entitled to free legal aid which implies the provision of resources for full or partial coverage of the costs for legal counseling, preparation of pleadings, representation in proceedings before the court, the State Prosecution and the Constitutional Court of Montenegro and any procedure for out of court dispute settlement, as well as exemption from payment of the costs of court proceedings.

In Montenegro, there is a special law that applies to juvenile offenders. - The Law on Treatment of Juveniles in Criminal Proceedings. This law regulates the treatment of a minor as an offender, child and juvenile as a participant in the proceedings, which is based on respect for human rights and fundamental freedoms taking into account the best interests of minors, their maturity, level of development, abilities and personal capacities, as well as the severity of the crime, with the aim of their rehabilitation and social reintegration.

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North Macedonia

(General Comment): The Law on Criminal Procedure

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 to a serious threat for their life, health or physical integrity (endangered victims);
 - 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).
- (2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to

(2019): The Law on Criminal Procedure

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 - 3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).
- (2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to

Serbia

(General Comment): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 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 witnesses and the public prosecutor it determines that the life, health or freedom of the witness or a person close to him is threatened to such an extent that it justifies restricting the right to defence and that the witness is credible (Art. 106 CPC).

The provisions related to protected witness apply accordingly to the protection of an undercover investigator, expert witness, professional consultant and professional.

The Law on Program of Protection of Participants in Criminal Proceedings envisages that the protection program is implemented if participants in the criminal proceedings and close people are due to giving evidence or notifications important for proving in criminal proceedings exposed to danger to life, health, physical integrity, freedom or property, and without that testimony or notification proving would be significantly difficult or impossible in criminal proceedings for criminal offenses:

- 1) against constitutional order and security;
- 2) against humanity and other goods protected by international law;

(2020): The authority conducting proceedings may ex officio, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 CPC).

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- 1) against constitutional order and security;
- 2) against humanity and other goods protected by international law;
- 3) organized crime.

(2019): Courts are required to conduct criminal proceedings involving juveniles urgently, according to a *lex specialis* - the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles. A juvenile shall have defense counsel during the first questioning and throughout the proceedings with the presence of psychologist. Bodies involved in juvenile proceedings and any other body or institution requested to supply information, reports or opinions shall do so without delay in order to conclude the proceeding speedily. Likewise, an attorney will be appointed, and publicity will be excluded.

Other categories enjoy special arrangements if they are given the status of “especially vulnerable witness”. For example, victims of human trafficking are considered especially vulnerable witnesses. The Law on Civil Procedure provides that the court may exclude the public from the whole or part of the trial if it is required by reasons of national security, public security, moral, in the interest of public order, privacy of the parties involved or when instructed by law. The court may also exclude the public in case when measures for maintaining of order provided under this law would not secure undisturbed proceedings at the trial. Proceedings regarding family relations shall be urgent especially if they concern a child or parent exercising parental right, or domestic violence and the rights of the child. The court has to inform the minor about his/her rights, as well as to provide the presence of experts during the whole proceedings, i.e. psychologists, pedagogues, social workers, in order to protect the security and privacy of the minor. The public is excluded in this type of proceedings.

The authority conducting proceedings may *ex officio*, at the request of parties or the witness himself, designate as an especially vulnerable witness a witness who is especially vulnerable in view of his age, experience, lifestyle, gender, state of health, nature, the manner or the consequences of the criminal offence committed, or other circumstances (Art. 103 Criminal Procedure Code ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019)).

An especially vulnerable witness may be examined only through the authority conducting the proceedings, which will treat the witness with particular care, endeavoring to avoid possible detrimental consequences of the criminal proceedings to the personality, physical and mental state of the witness. Examination may be conducted with the assistance of a psychologist, social worker or other professional, which will be decided by the authority conducting proceedings.

If the authority conducting proceedings decides to examine an especially vulnerable witness using technical 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 Criminal Procedure Code).

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

Kosovo*

(General Comment): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical

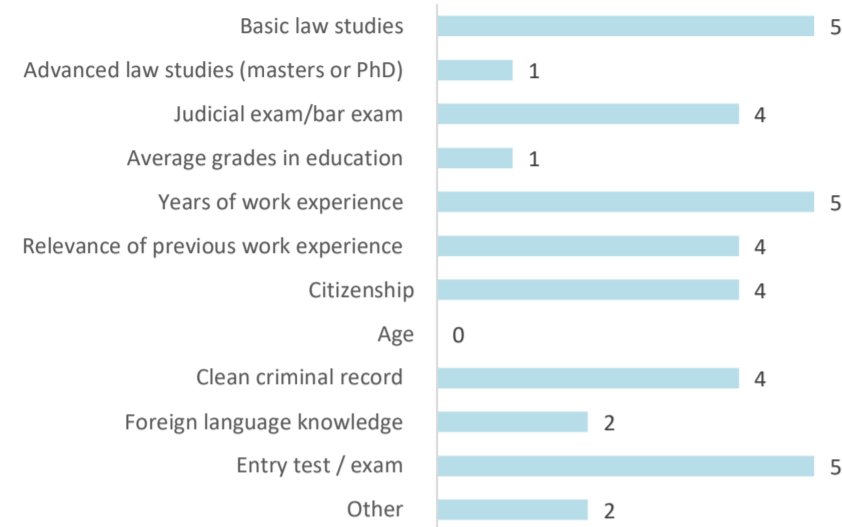
(2019): With regard to other special arrangements, they are as follows: the language assistance during a court proceeding for ethnic minorities or disabled persons and the physical protection c

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, 5.1.6, 5.1.8, 5.1.9, 5.1.10, 6.1.1 and 6.1.2

Figure 5.1 Entry criteria to become a judge
(No. of beneficiaries by criteria)

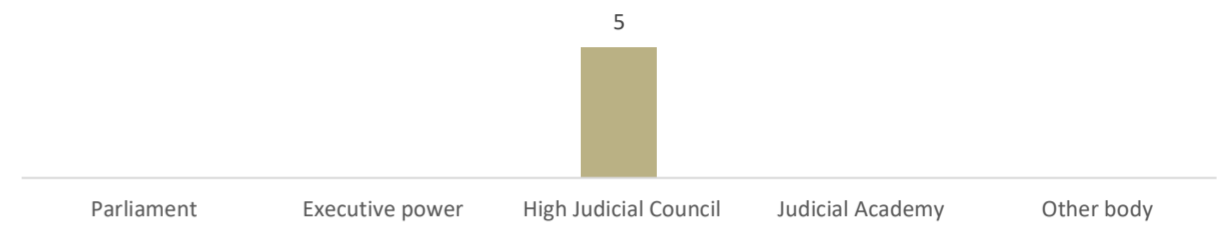


Possibility for non pre-selected judge candidates to appeal in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Judicial Academy (1) (ALB)
- Court (2) (ALB - MNE)
- Other body (2) (MKD - SRB)

Figure 6.1 Authority competent for the promotion of judges
(Table 6.1.1)



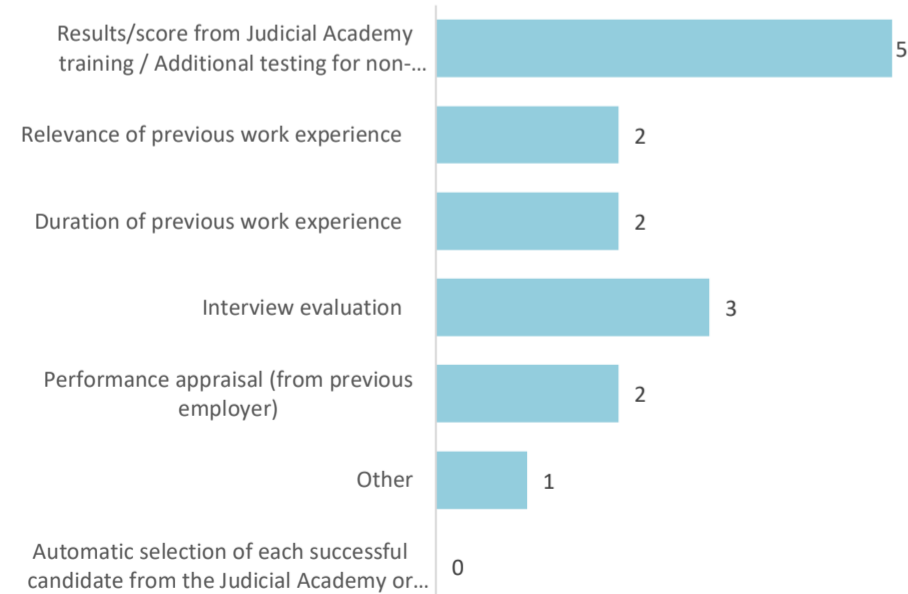
Possibility to appeal the decision on the promotion of judges in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent to decide on appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (2) (ALB - MNE)
- Judicial Academy (0)
- Other body (2) (MKD - SRB)



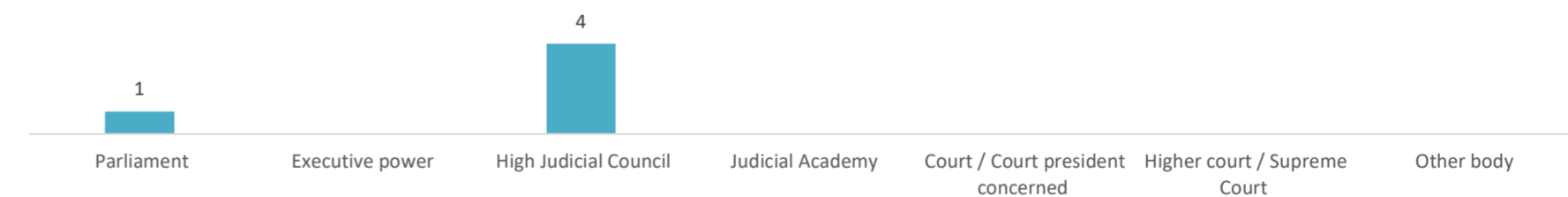
Figure 5.2 Criteria in the selection procedure for judges



Authority competent for selection of judges (no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial Council (4) (BIH - MNE - MKD - SRB)
- Judicial Academy (1) (ALB)
- Other body (0)

Figure 5.3 Authority competent for the final appointment of judges



Possibility for non-selected candidates to appeal against the decision of appointment 4 beneficiaries (ALB - MNE - MKD - SRB)

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 (2) (MKD - SRB)

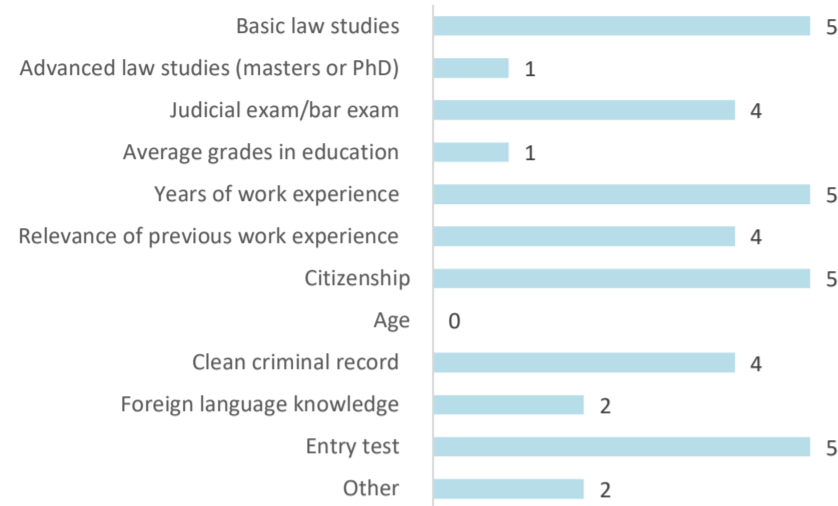
Kosovo is not included in the calculation of summary statistics*

* 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. 5.2.2, 5.2.5, 5.2.6, 5.2.8, 5.2.9, 5.2.10, 6.1.4, and 6.1.5

Figure 5.4 Entry criteria to become a prosecutor
(No. of beneficiaries by criteria)

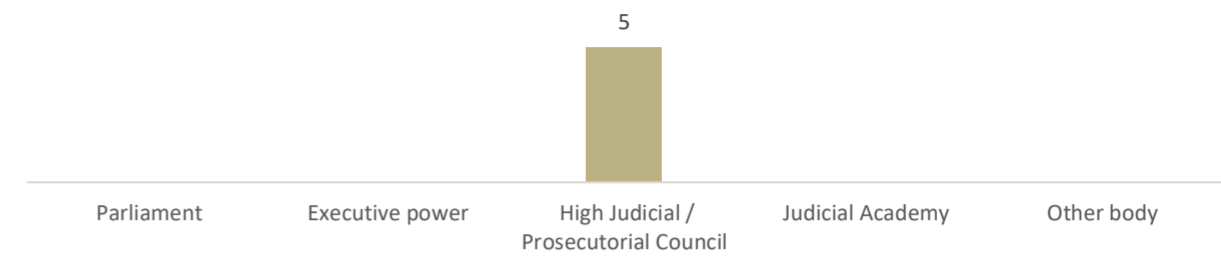


Possibility for non pre-selected prosecutor candidates to appeal in 4 beneficiaries (ALB - MNE - MKD - SRB)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Prosecution services (0)
- Judicial Academy (1) (ALB)
- Court (2) (ALB - MNE)
- Other body (2) (MKD - SRB)

Figure 6.2 Authority competent for the promotion of prosecutor (Table 6.1.4)
(No. of beneficiaries by authority)



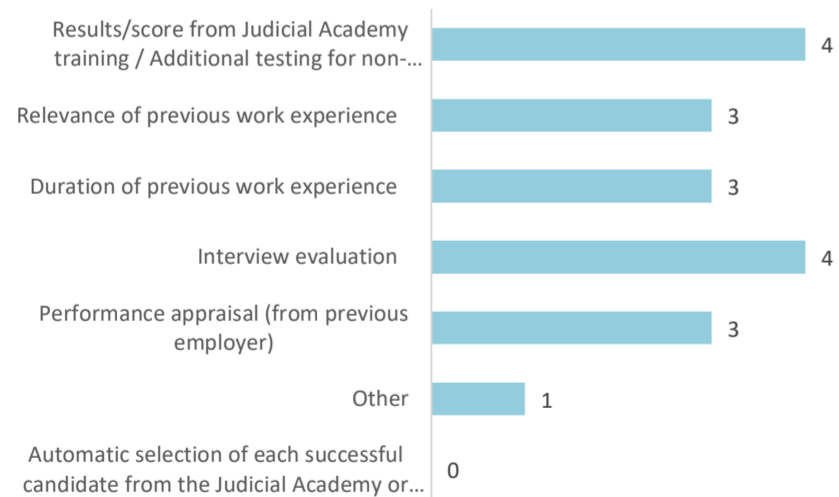
Possibility to appeal the decision on the promotion of prosecutors in 3 beneficiaries (ALB - MNE - SRB -)

Body competent to decide on appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (0)
- Court / Prosecution office (2) (ALB - MNE)
- Judicial Academy (0)
- Other body (0)



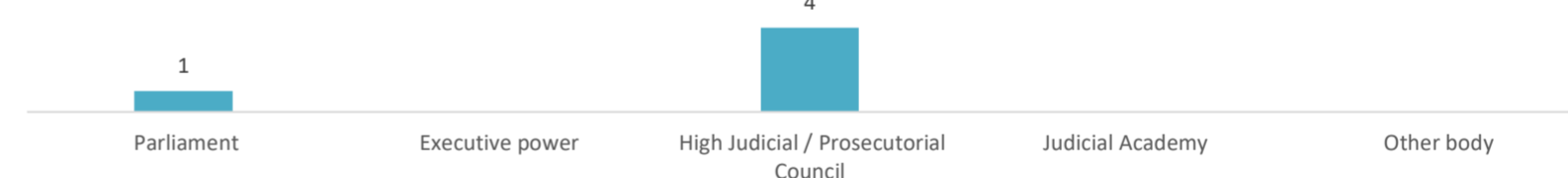
Figure 5.5 Criteria in the selection procedure for prosecutors (No. of beneficiaries by criteria)



Authority competent for selection of prosecutors
(no. of beneficiaries):

- Parliament (0)
- Executive power (0)
- High Judicial / Prosecutorial Council (5) (ALB - BIH - MNE - MKD - SRB)
- Prosecutorial services (0)
- Judicial Academy (1) (ALB)
- Other body (0)

Figure 5.6 Authority competent for the final appointment of prosecutors
(No. of beneficiaries by authority)



Possibility for non-selected candidates to appeal against the decision of appointment 3 beneficiaries (ALB - MNE - SRB)

Body competent for the appeal (No of beneficiaries by body):

- Parliament (0)
- Executive power (0)
- High Judicial Council (0)
- Court (2) (ALB - MNE)
- Judicial Academy (0)
- Other body (1) (SRB)

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

5.1 Recruitment of judges

Table 5.1.1 Recruitment of judges in 2022 (Q89)

Table 5.1.2 Entry criteria to become a judge in 2022 (Q90)

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2022 (Q91)

Table 5.1.4 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2022 (Q92, Q93 and Q94)

Table 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2022 (Q95 and Q96)

Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2022 (Q97)

Table 5.1.7 Measures in place to ensure the transparency in case the selection of a judge takes place via an "Interview evaluation", in 2022 (Q97-1)

Table 5.1.8 Authority competent for selection of judges in 2022 (Q98)

Table 5.1.9 Authority competent for the final appointment of judges in 2022 (Q99 and Q100)

Table 5.1.10 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2022 (Q101 and Q102)

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment of prosecutors in 2022 (Q111)

Table 5.2.2 Entry criteria to become a prosecutor in 2022 (Q112)

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2022 (Q113)

Table 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2022 (Q114, Q115 and Q116)

Table 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2022 (Q117 and Q118)

Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2022 (Q119)

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an "Interview evaluation", in 2022 (Q119-1)

Table 5.2.8 Authority competent for selection of prosecutors in 2022 (Q120)

Table 5.2.9 Authority competent for the final appointment of prosecutors in 2022 (Q121 and Q121-1)

Table 5.2.10 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2022 (Q122 and Q123)

5 Appointment / recruitment / mandate of judges and prosecutors - List of tables

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2022 (Q103)

Table 5.3.2 Mandate of judges and compulsory retirement age in 2022 (Q104, Q108 and Q109)

Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2022 (Q105, Q106 and Q107)

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2022 (Q124)

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2022 (Q125, Q129 and Q130)

Table 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2022 (Q126, Q127 and Q128)

5.1 Recruitment of judges

Table 5.1.1 Recruitment of judges in 2022 (Q89)

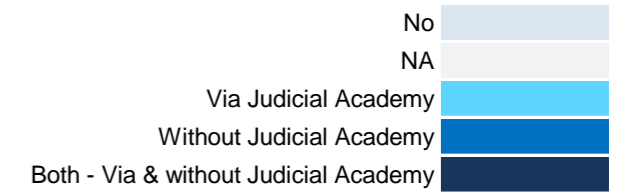
Beneficiaries	Recruitment of Judges			
	Competitive exam	Recruitment procedure for experienced legal professionals	Other	Comments on other
Albania	Yes	No	Yes	Working experience
Bosnia and Herzegovina	Yes	Yes	No	
Montenegro	Yes	No	Yes	See comments
North Macedonia	No	No	Yes	Judicial council
Serbia	Yes	Yes	No	
Kosovo*	Yes	No	No	

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 2022 (Q90)

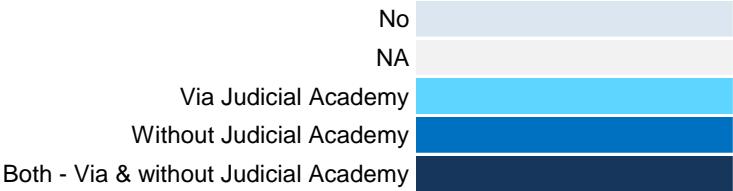
Beneficiaries	Entry criteria to become a judge											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test / exam	Other
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												



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

Table 5.1.3 Authority competent for evaluation and decision during the entry selection of judges in 2022 (Q91)

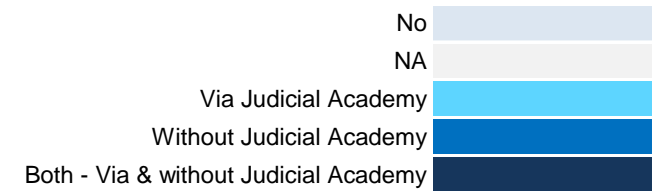
Beneficiaries	Judges				
	Authority competent during the entry selection				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania			Light Blue	Light Blue	
Bosnia and Herzegovina			Dark Blue		
Montenegro			Light Blue		
North Macedonia				Light Blue	
Serbia			Dark Blue		
Kosovo*			Dark Blue		



* This designation 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 Public availability of call, entry criteria and list of pre-selected candidates for judges in 2022 (Q92, Q93 and Q94)

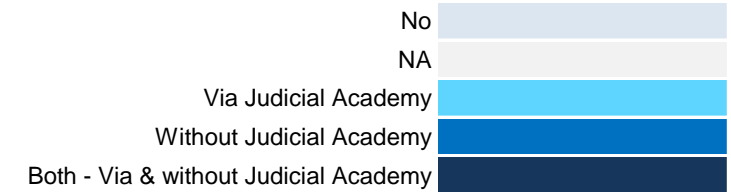
Beneficiaries	Judges								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania									
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 5.1.5 Possibility for non pre-selected judge candidates to appeal and body competent to decide on the appeal in 2022 (Q95 and Q96)

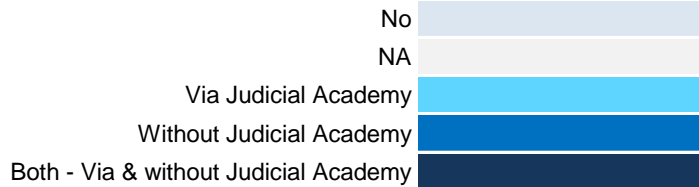
Beneficiaries	Judges						
	Possibility for non pre-selected candidates to appeal	Body competent for appeal					
		Parliament	Executive power	High Judicial Council	Judicial Academy	Court	Other body
Albania	Without Judicial Academy	No	No	No	Via Judicial Academy	Court	No
Bosnia and Herzegovina	No	No	No	No	No	No	No
Montenegro	Without Judicial Academy	No	No	No	No	Court	No
North Macedonia	Without Judicial Academy	No	No	No	No	No	Other body
Serbia	Both - Via & without Judicial Academy	No	No	No	No	No	Other body
Kosovo*	Without Judicial Academy	No	No	High Judicial Council	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.

Table 5.1.6 Criteria in the selection procedure (after exam/interview, etc) for judges in 2022 (Q97)

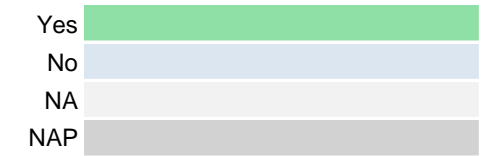
Beneficiaries	Criteria in the selection procedure for judges						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Albania	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Bosnia and Herzegovina	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue
Montenegro	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
North Macedonia	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Serbia	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Dark Blue	Light Blue	Light Blue
Kosovo*	Dark Blue	Dark Blue	Light Blue	Dark Blue	Light Blue	Dark Blue	Light Blue



* This designation 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 Measures in place to ensure the transparency in case the selection of a judge takes place via an “Interview evaluation”, in 2022 (Q97-1)

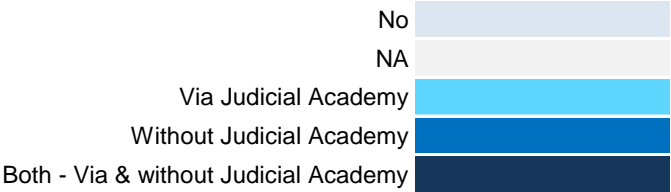
Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a judge				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					



* This designation 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 Authority competent for selection of judges in 2022 (Q98)


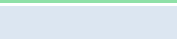


Beneficiaries	Authority competent for selection of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania				Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy		
Montenegro			Via Judicial Academy		
North Macedonia			Via Judicial Academy		
Serbia			Both - Via & without Judicial Academy		
Kosovo*			Without Judicial Academy		



* This designation 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 Authority competent for the final appointment of judges in 2022 (Q99 and Q100)


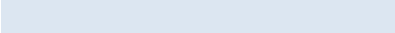
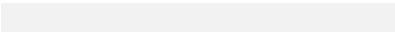

Beneficiaries	Judges										
	Authority competent for the final appointment							Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court	Other body	Only confirms 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 5.1.10 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2022 (Q101 and Q102)

Beneficiaries	Possibility for non-selected candidates to appeal against the decision of appointment	Judges						
		Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body	Comment on Other body
Albania	Yes	No	No	No	Yes	No	No	
Bosnia and Herzegovina	No	NAP	NAP	NAP	No	NAP	NAP	
Montenegro	Yes	No	No	No	Yes	No	No	
North Macedonia	Yes	No	No	No	No	No	Yes	Appeal Council at the Supreme Court
Serbia	Yes	No	No	No	No	No	Yes	Constitutional Court
Kosovo*	Yes	No	No	Yes	No	No	No	


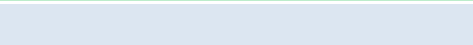
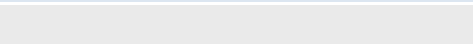

Yes 
 No 
 NA 
 NAP 

* 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.

5.2 Recruitment of prosecutors

Table 5.2.1 Recruitment of prosecutors in 2022 (Q111)

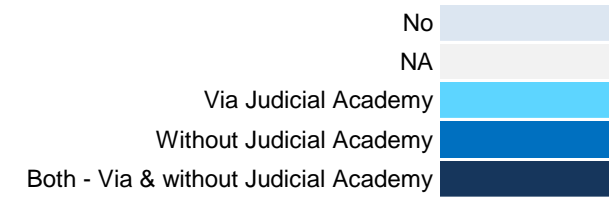
Beneficiaries	Recruitment of Prosecutors			
	Competitive exam	Recruitment procedure for experienced legal professionals	Other	Comments on other
Albania	Yes	No	Yes	See comments
Bosnia and Herzegovina	Yes	Yes	No	
Montenegro	No	No	Yes	Public call (advertisement)
North Macedonia	No	No	Yes	Council of Public Prosecutors
Serbia	Yes	Yes	No	
Kosovo*	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 5.2.2 Entry criteria to become a prosecutor in 2022 (Q112)

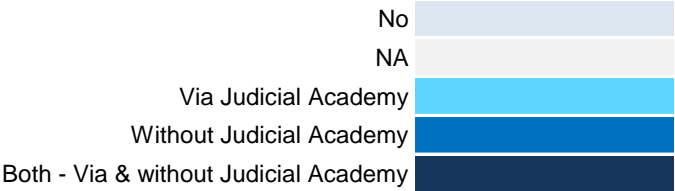
Beneficiaries	Entry criteria to become a prosecutor											
	Basic law studies	Advanced law studies (masters or PhD)	Judicial exam/bar exam	Average grades in education	Years of work experience	Relevance of previous work experience	Citizenship	Age	Clean criminal record	Foreign language knowledge	Entry test	Other
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												



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

Table 5.2.3 Authority competent for evaluation and decision during the entry selection of prosecutors in 2022 (Q113)

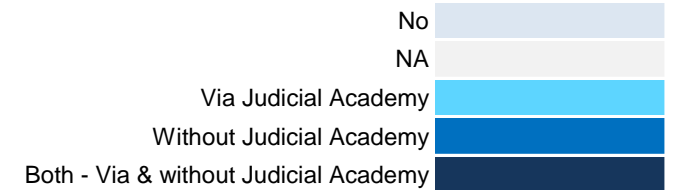
Beneficiaries	Prosecutors					
	Authority competent during the entry selection					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Other body
Albania					Light Blue	
Bosnia and Herzegovina			Dark Blue			
Montenegro			Light Blue			
North Macedonia					Light Blue	
Serbia			Dark Blue			
Kosovo*			Dark Blue			



* This designation 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 5.2.4 Public availability of call, entry criteria and list of pre-selected candidates for prosecutors in 2022 (Q114, Q115 and Q116)

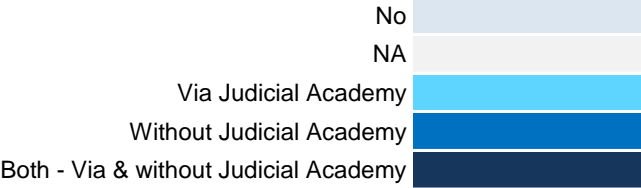
Beneficiaries	Prosecutors								
	Public call available for candidates	Entry criteria publicly available				Published list of pre-selected candidates			
		Announced as part of the public call	Announced separately	Not published	Other	Published on the internet	Sent only to participants in the competition	Not published	Other
Albania	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Bosnia and Herzegovina	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue
Montenegro	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
North Macedonia	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Serbia	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue
Kosovo*	Dark Blue	Dark Blue	Light Blue	Light Blue	Dark Blue	Dark Blue	Light Blue	Light Blue	Light Blue



* This designation 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 5.2.5 Possibility for non pre-selected prosecutor candidates to appeal and body competent to decide on the appeal in 2022 (Q117 and Q118)

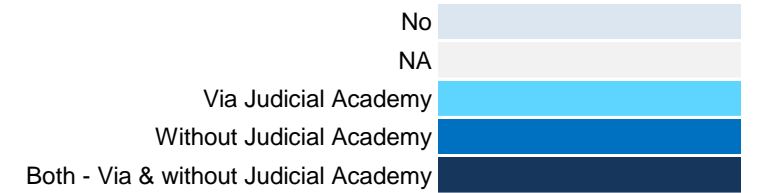
Beneficiaries	Prosecutors							
	Possibility for non pre-selected candidates to appeal	Body competent for appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecution services	Judicial Academy	Court	Other body
Albania	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Bosnia and Herzegovina	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Montenegro	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
North Macedonia	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue
Serbia	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Light Blue	Dark Blue
Kosovo*	Dark Blue	Light Blue	Light Blue	Dark Blue	Light Blue	Light Blue	Light Blue	Light Blue



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Table 5.2.6 Criteria in selection procedure (after exam/interview, etc) for prosecutors in 2022 (Q119)

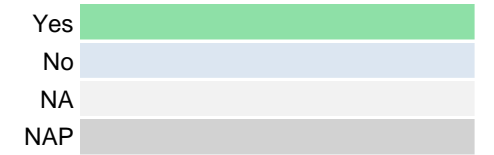
Beneficiaries	Criteria in selection procedure for prosecutors						
	Results/score from Judicial Academy training / Additional testing for non-Academy graduates	Relevance of previous work experience	Duration of previous work experience	Interview evaluation	Performance appraisal (from previous employer)	Other	Automatic selection of each successful candidate from the Judicial Academy or every pre-selected experienced candidate
Albania							
Bosnia and Herzegovina							
Montenegro							
North Macedonia							
Serbia							
Kosovo*							



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

Table 5.2.7 Measures in place to ensure the transparency in case the selection of a prosecutor takes place via an “Interview evaluation”, in 2022 (Q119-1)

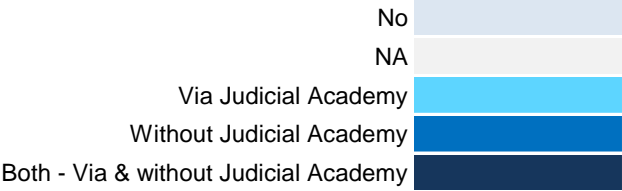
Beneficiaries	Measures in place to ensure transparency in case of an interview evaluation to select a prosecutor				
	Minutes of the interviews are taken	Audio or video recording of the interviews are taken	A standardised Questionnaire is used for all candidates	A standardised point system is used to evaluate the candidates	Other
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					



* This designation 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 5.2.8 Authority competent for selection of prosecutors in 2022 (Q120)


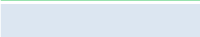


Beneficiaries	Authority competent for selection of prosecutors					
	Parliament	Executive power	High Judicial / Prosecutorial Council	Prosecutorial services	Judicial Academy	Other body
Albania			Via Judicial Academy		Via Judicial Academy	
Bosnia and Herzegovina			Without Judicial Academy			
Montenegro			Via Judicial Academy			
North Macedonia			Via Judicial Academy			
Serbia			Both - Via & without Judicial Academy			
Kosovo*			Without Judicial Academy			



* This designation 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 5.2.9 Authority competent for the final appointment of prosecutors in 2022 (Q121 and Q121-1)

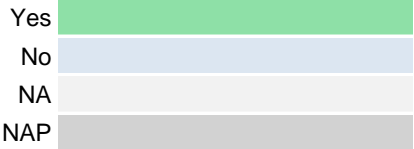
Beneficiaries	Prosecutors								
	Authority competent for the final appointment					Authority's competences in the final appointment procedure			
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body	Only confirms all the selected (proposed) candidates	Has the 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 5.2.10 Possibility for non-selected candidates to appeal against the decision of appointment and the competent body to decide on the appeal in 2022 (Q122 and Q123)

Beneficiaries	Possibility for non-selected candidates to appeal against the decision of appointment	Prosecutors						
		Competent body to decide on the appeal						
		Parliament	Executive power	High Judicial / Prosecutorial Council	Court / Prosecution office	Judicial Academy	Other body	Comment on 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	No	No	No	No	No	No	No	
Serbia	Yes	No	No	No	No	No	Yes	Constitutional Court
Kosovo*	No	No	No	No	No	No	No	

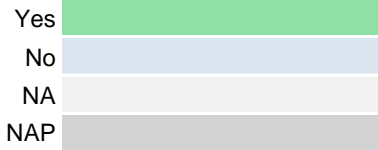


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

5.3 Integrity and mandate of judges and prosecutors

Table 5.3.1 Methods to check the integrity of candidate judges in 2022 (Q103)


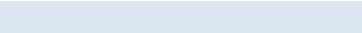
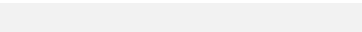

	Methods to check integrity of candidates for judges				
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment
Albania	Yes	Yes	No	No	Yes
Bosnia and Herzegovina	No	No	No	No	No
Montenegro	Yes	Yes	No	No	No
North Macedonia	No	No	No	Yes	No
Serbia	Yes	No	No	No	No
Kosovo*	Yes	Yes	No	No	No



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

Table 5.3.2 Mandate of judges and compulsory retirement age in 2022 (Q104, Q108 and Q109)


Beneficiaries	Mandate of judges and compulsory retirement age in 2022			
	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	Yes	NA	NA	67
Bosnia and Herzegovina	Yes	NA	NA	70
Montenegro	Yes	NA	NA	66
North Macedonia	Yes	NA	NA	62 (women) 64 (men)
Serbia	Yes	NA	NA	65
Kosovo*	Yes	NA	NA	65

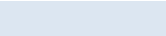
- Yes 
- No 
- NA 
- NAP 

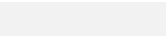
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.


Table 5.3.3 Probation period for judges and institution responsible to decide if the probation period is successful in 2022 (Q105, Q106 and Q107)

Beneficiaries	Judges									Possibility to appeal against this decision
	Probation period for judges	Duration of the probation period (in years)	Institution responsible to decide if the probation period is successful						Other body	
			Parliament	Executive power	High Judicial Council	Judicial Academy	Court / Court president concerned	Higher court / Supreme Court		
Albania										
Bosnia and Herzegovina										
Montenegro										
North Macedonia										
Serbia		3								
Kosovo*		3								

Yes 

No 

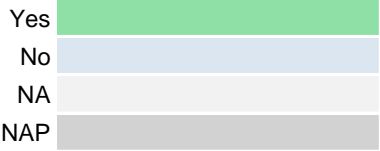
NA 

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.

Table 5.3.4 Methods to check the integrity of candidate prosecutors in 2022 (Q124)



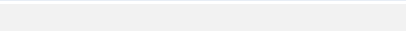

	Methods to check integrity of candidates for prosecutors				
	Through the check of criminal records	Through the check of disciplinary proceedings and sanctions	Through intelligence investigation	Through an integrity assessment test	Through psychological assessment
Albania	Yes	Yes	Yes	No	No
Bosnia and Herzegovina	No	No	No	No	No
Montenegro	Yes	No	No	No	No
North Macedonia	No	No	No	Yes	No
Serbia	Yes	No	No	No	No
Kosovo*	Yes	Yes	Yes	Yes	No



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

Table 5.3.5 Mandate of prosecutors and compulsory retirement age in 2022 (Q125, Q129 and Q130)





Beneficiaries	Mandate of prosecutors and compulsory retirement age in 2022			
	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
Bosnia and Herzegovina	Yes	NA	NA	70
Montenegro	Yes	NA	NA	66
North Macedonia	Yes	NA	NA	62 (women) 64 (men)
Serbia	Yes	NA	NA	65
Kosovo*	Yes	NA	NA	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 5.3.6 Probation period for prosecutors and institution responsible to decide if the probation period is successful in 2022 (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	Judicial Academy	Prosecution office concerned	Higher prosecution office / Prosecutor general (State public prosecutor)		Other body
Albania										
Bosnia and Herzegovina										
Montenegro		4								
North Macedonia										
Serbia		3								
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 5. Appointment/recruitment/mandate of judges/prosecutors

by country

Question 89. How are judges recruited?

Question 90. What are the entry criteria (pre-conditions) 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 retirement)?

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

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 the mandate (in years)?

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria (pre-conditions) 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 possible):*
- 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 age of retirement)?*
- 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 length of the mandate (in years)?*
- Question 130. Is it renewable?*

Albania

Q089 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

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 general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

Q089 (2019): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

Q090 (2019): All the applicants must have a clean criminal record in the moment that they apply for the admission exam to become magistrates.

Q093 (2022): Criterias are defined by law, but also announced in the public call from the Judicial Academy

Q095 (2022): The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision.

Q096 (2022): 1. The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision. 2. Administrative Court of Appeal

Q096 (2020): Administrative Court of First Instance of Tirana Judicial District

Q096 (2019): Administrative Court of First Instance of Tirana Judicial District

Q100 (General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:

1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:

- a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
- b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.

5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Q100 (2019): 1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.

3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed. 4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:

- a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
- b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.

5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Q102 (2022): Administrative Court of Appeal

Q103 (General Comment): Integrity is part of the selection process in three moments. The first control, made by the School of Magistrates, is if the candidate fulfil the criteria for admission to initial training, two of which consist in integrity: they must have never been criminally convicted by a final decision and they must have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction.

The second control is made with the psychological and mental health assessment, which is part of the recruitment exam. This assessment is also focused in the approach of the candidates to corruption, ethics, etc. And the third control is made by the Councils, after the applicants have successfully passed the two phases and the psychological and mental health assessment. The Councils shall request for each applicant, information from competent institutions for the verification of assets and background check regarding any other disqualifying grounds from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate.

Q104 (General Comment): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age 67 years old;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

Q104 (2022): Judges of the High Court shall retire at the age of 70.

Q104 (2020): Retirement age: 67/70

Q104 (2019): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

Q111 (General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The

general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

Q111 (2022): a combination of both (competitive exam and working experience)

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.

Q112 (2022): Related to the “age” criteria to become a prosecutor, in the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, there is no any criteria related to the age of the candidates to enter the exam and then, accepted in the Initial Forming program of the Judicial Academy. Each person, who fulfill the legal criteria, despite of his age, may enter the exam and be graduated in the Judicial Academy, to become a prosecutor.

The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

Q112 (2021): According to the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of 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 has been rehabilitated.

Q112 (2019): In addition to the above criteria, in the Law “On the status of judges and prosecutors”, as amended, it is stipulated that candidates must meet other criteria such as:

- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent

Q113 (2019): .

Q115 (General Comment): According to Article 29, of the Law “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Q115 (2022): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.

Q115 (2021): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Q116 (General Comment): According to Article 30/4, of the Law “On the status of judges and prosecutors”, as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list of candidates for prosecutors who fulfil the legal criteria provided in Article 28, of this law.

Q117 (General Comment): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law “On Governance Institutions of the Justice System” and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court.

Q117 (2019): The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law “On Governance Institutions of the Justice System” and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court

Q118 (2022): We have checked “judicial academy” in the last version of the answers because the candidates who have taken the entry exam have the right to see/check their exam papers after making a request/complaint, when they do not agree with the result, at the Judicial Academy, in this case the School of Magistrates of Albania. The court option is checked because they can appeal against their results/score of the entry exam in court, if they choose to do so.

According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

Q118 (2021): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”.

Q118 (2020): Administrative Court of First Instance of Tirana

Q118 (2019): Administrative Court of First Instance of Tirana Judicial District

Q119 (General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors: All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:

- a) Have full capacity to act;
- b) Be an Albanian citizen;
- c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of “Master of Science” and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
- ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
- d) Have never been criminally convicted by a final decision;
- dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
- e) Not to be a member of political parties at the time of application;
- ë) Have not been a member, collaborator or favoured by the State Security before 1990;
- f) Have not been a collaborator, informant, or agent of any secret service.

Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law “On the status of judges and prosecutors”, as amended).

Lastly, as provided in article 32 of the status law, a student at the School of Magistrates can be appointed as a judge or a prosecutor if it fulfills 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.

Q119 (2022): The focus of the question, regarding the selection criteria of judges/prosecutors, is after the entry exam. After the entry exam, the selection is made only on the basis of the results/score they received in the exam. The criteria of work performance and experience are applied in the pre-selection phase of the candidates who apply to be registered to take the entry exam. Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

Q119 (2021): Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and 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 Republic of Albania”)

Q120 (General Comment): According to Article 32/2, of the “On the status of judges and prosecutors”, as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the discipline in the previous employment relations of the candidates.

Q120 (2019): During January of each calendar year, both Councils, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year. The School of Magistrates receives applications for admission to the initial training by end of February of each year. By 15 March each year, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria. The School of Magistrates submits to the Councils (Judicial and Prosecutorial council depending on the preference of the applicant) the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received by each council and shall publish the final assessment report on its official website, including the list of applicants

who fulfil the legal criteria.

Q121 (2019): Article 35 of the status law provides that the graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least “good” in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

Within the period of one month as of the date of the publication of the graduates’ list the Councils shall:

- a) Appoint as magistrate, each person who appears in the graduates’ list, who satisfies the criteria for appointment;
- b) Reject the appointment as magistrate to any person who appears in the graduates’ list however, does not satisfy the criteria for appointment.

Q121-1 (General Comment): As answered in the Questionnaire, in principle, the High Prosecutorial Council on the final appointment procedure has a right to appoint some and reject some among the selected (proposed) candidates. According the article 35, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, a graduate in the Judicial Academy, to be appointed as magistrate should fulfill these three criteria:

- a) be graduated in the Initial Forming Program of Judicial Academy with at least 70 % of the total possible points;
- b) is evaluated at least “good” on all the duties assigned during the professional experience in the third year of Initial Forming;
- c) pass again the verification of integrity and assets realized from the Council, in accordance with this law. Also, a graduate in the Judicial Academy, may ask for justified reasons, to be appointed in the following year.

Within a month after the publication of the list of graduates, the Council may:

- a) appoint as magistrate each person in the graduated list who fulfil the appointment criteria or refuse to appoint each person who is in the graduated list but doesn’t fulfil the appointment criteria
- b) allow the candidate who fulfill the appointment criteria to be appointed the following year.

Q123 (General Comment): According to article 192/1, of the Law “On the governance institutions of justice system”, as amended, for the individual administrative acts of the Council such as a refusal to appoint a graduate as a prosecutor an appeal may be submitted in the Administrative Court of Appeal within 15 days from the notice.

Q123 (2020): Decisions of the Council to reject the appointment of the can be challenged in the First Instance Administrative Court.

Q123 (2019): Decisions of the Council to reject the appointment of the can be challenged in the First Instance Administrative Court.

Q124 (2021): According to Articles 32 and 35/1, of the Law “On the status of judges and prosecutors”, as amended, the High Prosecutorial Council carries out the process of verifying the integrity of the candidates who passed successfully the entry exam before they are accepted in the initial formation programme at the School of Magistrates and of the graduated students in the School of Magistrates before they are nominated magistrate and appointed in the position of a prosecutor.

The audit includes reporting by the institutions responsible for verifying the integrity such as the prosecution, state intelligence services, and any disciplinary body that has overseen discipline in the candidate's previous employment relations (above mentioned).

Q125 (General Comment): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function; - dismissal; - when is established the fact of inability to perform the duty.

Q125 (2022): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

Q125 (2021): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, 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

Q125 (2019): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function; - dismissal or; - when is established the fact of inability to perform the duty.

Bosnia and Herzegovina

Q089 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q090 (General Comment): Clean criminal record:

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

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The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

Q094 (General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Q094 (2019): The list of pre-selected candidates is published on the internet. The list is available only to the 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.

Q097 (2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Q098 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q099 (General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q100 (General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and 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 Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Q103 (2022): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

Q103 (2021): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

Q104 (General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.

Reserve judges may be appointed on a temporary basis (up to 2 years).

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 Prosecutorial Council of Bosnia and Herzegovina upon application by the president of a court; the High Judicial and Prosecutorial Council of Bosnia and Herzegovina may renew the mandate of reserve judges following the request of the president of a court.

Q111 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q112 (General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

Q112 (2019): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

Candidate's criminal record does not constitute an eliminatory criterion in the process of appointment of candidates. But in this regard, the Interview panel and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

Q113 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q116 (General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Q116 (2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Q119 (General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q119 (2019): Other: The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Q120 (General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q121 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council . The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Q121 (2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by the competent its sub-council .

Q121-1 (General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and 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 Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Q124 (2022): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

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.

Q125 (General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign from office. He/she can be removed from office if it has been proven by the medical documentation that he/she has permanently lost the working capacity to perform his/her judicial or prosecutorial function.

Montenegro

Q089 (General Comment): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

Q089 (2022): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection the Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notice for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

Q089 (2020): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

Q090 (General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement

Article 46 Application to a public announcement represents a standard pattern, which is an integral part of these Rules.

The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.

With a completed and signed application form a candidate submits the following documents:

- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal offense;
- A statement that he/she is not a member of any political organization

Q090 (2022): no prior convictions or criminal proceedings

regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

Q090 (2019): RULES OF THE JUDICIAL COUNCIL

Application to a public announcement

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- 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 offense;
- A statement that he/she is not a member of any political organization

Q091 (General Comment): According to the Constitution, Judicial Council elects the judges and court presidents. The Law on Judicial Council and Judges and the Rules of Procedure of Judicial Council regulate the procedure for the selection of judges and court presidents. The Judicial Council conducts the procedure for the selection of judges and makes decisions on election of judges after the procedure is completed.

Q092 (General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Q092 (2019): Public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Q094 (General Comment): Link to the Law on Judicial Council and judges- articles 47-51

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 may use the expert assistance of psychologists.

Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. 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 a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised

Q094 (2019): <http://sudovi.me/files/L3Nkc3YvZG9jLzI0MzcucGRm=>

Link to the Law on Judicial Council and judges- articles 47-51

Criteria for Appointment of Judges Appointed for the First Time

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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 may use the expert assistance of psychologists.

Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. 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 a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised vacancies for judges, according to the order from the ranking list, as well as on the assignment of candidates for judges to the initial training at the Basic Court in Podgorica.

Q096 (General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

Q096 (2019): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

Q097 (General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

Q097 (2019): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

Q100 (2019): In the ten years of practice so far, the Judicial council has only endorsed the proposed candidates by the Center for Training in Courts and State Prosecution Service, as they were all satisfactory in training, and the Center has never submitted a proposal of candidates other than those who received the training, therefore the Judicial council confirms their proposal.

Q101 (General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law."

Q102 (2019): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law."

Q104 (General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

Q104 (2019): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

Q111 (General Comment): The Law on State Prosecutor's Office defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

Q111 (2022): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:

Vacant posts of state prosecutors in basic state prosecutor's office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor's office to another.

If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor's offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor's 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 based in Montenegro.

Q111 (2020): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

Q111 (2019): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview.

Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

Q112 (General Comment): That no criminal proceedings are conducted; a medical certificate of fitness.

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application. "Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

Q112 (2022): The competent authorities issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

Q112 (2019): That no criminal proceedings are conducted; a medical certificate of fitness; that the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution)

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application.

"Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

Q113 (General Comment): The jurisdiction for selection of prosecutors and heads of prosecution offices is under the Prosecutorial Council. The Prosecutorial Council establishes the plan of vacated positions, announces the public call, receiving applications conducts the written testing procedure, performs the interview with the candidates, making decision on selection etc.

Q113 (2019): Prosecutorial Council

Q114 (General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro

Q114 (2019): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Q117 (General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

Q117 (2019): Art. 64 of the Law on State Prosecution Service:

"Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

Q118 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Q118 (2022): Administrative court

Q118 (2021): Administrative Court

Q118 (2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Q119 (General Comment): That the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).

Q119 (2019): That the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).

Q120 (2019): (Prosecutorial council)

Q121 (2019): Prosecutorial Council

Additional information:

Which competences has this authority in the final appointment procedure (it is possible to select multiple options):

Only confirms all the selected (proposed) candidates

Has a right to appoint some and reject some among the selected (proposed) candidates Has a right to appoint candidates that were not selected (proposed) by the competent authority Other, please specify _____

State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, 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 prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)

Q121-1 (General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.

The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)

Q122 (2019): Note: the candidate has the right to file an action with the Administrative Court.

Q123 (General Comment): The candidate has the right to file an action with the Administrative Court.

Q123 (2022): Administrative court

Q124 (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.

Q125 (General Comment): The function of the state prosecutor is permanent. Exceptionally, a person elected for the 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 expires; 2) his prosecutorial function ceases; 3) request it himself or in the case of abolition or merger of state prosecutor's offices. ,

Q125 (2019): The function of the state prosecutor is permanent. Exceptionally, the person who is elected for the first time as State Prosecutor is elected for a period of 4 years. The Supreme State Prosecutor and the heads of State Prosecutors' Offices are elected for a period of five years. The Head of the State Prosecutor's Office and the State Prosecutor shall be dismissed from office if they are sentenced by a final judgment to a unconditional prison sentence. The dismissal is pronounced for the most serious disciplinary offences: 1) if he is convicted of an offence that makes him unworthy of performing his duties; 2) if he performs the prosecutorial office unprofessionally and unconscientiously. State prosecutor's function ceases: 1) upon the expiry of the term of office 2) resignation; 3) fulfilment of requirements for for old-age pension; 4) termination of citizenship. The head of the state prosecutor's office ceases when: 1) upon expiry of the term of office he/she is elected to; 2) if his function of the state prosecutor is terminated 3) upon his/her request or due to closing or merging of state prosecution offices

Q126 (2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

Q127 (General Comment): Prosecutorial Council

Q127 (2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

Q127 (2019): Prosecutorial Council

Q128 (General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Q128 (2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia

Q089 (General Comment): 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 (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.

Q089 (2019): Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Q090 (General Comment): Law on 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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q090 (2019): Law on Academy for judges and public prosecutors

Article 57, p.1

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- 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)
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(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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q091 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine 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 Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

Q091 (2019): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

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Q096 (General Comment): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three 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.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Q096 (2019): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (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.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Q097 (General Comment): Judicial Council adopted the Rulebook on the method of ranking candidates for judges from the Academy for Judges and Public Prosecutors, available at http://www.sud.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/hZHNTsMwEISfpYcc8W5-6hpukRAJBalwME33gtLIJHquHKd5vVbtyckcPa20nyzox0gqICG-ty3tevNUB-u-474Ny-yDMUbvfhxRmAUN5I_li_Jc7GCBUggZQoU5r-AgJrRWjU42Dk7qrClZ7wl_jM5hvn152ykOx84MMvTXEQKedwihgT-rWugfq_Z1GiGTMTpMk0EX2ZJJY89rXlwz4VLZBVP8oqy0Z7bbNz7nh6ijDCaZpYa0x7UKwxOsK_kM6cHFS_IVCivx0Od9RSP0hZYf-ht8KJ13yxuAAlS7M/p0/Iz7_6G4408K0LG1O80AUOU69HF2DO7=CZ6_6G4408K0LG1O80AUOU69HF2DG7=MECTX!QCPsovet_mkQCPsSudQCPLegislativaQCPPodzakonskiQCAaktiQCPPodzakonskiQCAakti=ns_Z7_6G4408K0LG1O80AUOU69HF2DO7_WCM_Page.7e4d7b72-297c-4395-bbd7-4f25f1b2c8cf!2=WCM_PI!1==/#Z7_6G4408K0LG1O80AUOU69HF2DO7

Q101 (General Comment): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Q102 (2019): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Q103 (General Comment): The integrity of candidate judge is checked with a conducting on a psychological and integrity test by the Judicial Council according to the article 45-a from the Law on courts.

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.

(5) The psychological test shall be conducted on the basis of internationally recognized psychological tests for exercising the judicial office that are applied in at least one of the member states of the European Union and the OECD.

Q104 (General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labour Relation law. Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to this new condition for age retirement.

Q104 (2022): In 2022, the official compulsory age of retirement is 64 years (please, see the general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

Q104 (2019): There is a possibility for judges to prolong their retirement until 67.

Q108 (General Comment): All judges are appointed for a life.

Q108 (2019): All judges are appointed for a life.

Q111 (General Comment): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. 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.

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

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

Q111 (2020): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. Public prosecutor in a basic public prosecutor's office may be a person who has completed training determined by the Law on the Academy for Judges and Public Prosecutors.

Q111 (2019): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. 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

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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.

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

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

Q112 (General Comment): Law on 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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q112 (2019): Law on Academy for judges and public prosecutors

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- to be a citizen of the Republic of Macedonia,
- to be fluent in Macedonian language,
- to be proficient in one of the three most commonly used languages of the European Union (English, French or German), which is determined with the entrance exam on the Academy.
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(2) The sentence referred to in paragraph (1) of this Article shall as well refer to a prohibition to perform duty of an official person, responsible person in a legal entity or person performing activities of public interest.

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(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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Q113 (General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial 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 Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

Q113 (2021): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the 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.

Q113 (2019): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the 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.

Q118 (General Comment): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
- (9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Law on Academy for Judges and Public Prosecutors

II. BODIES OF THE ACADEMY

Article 10

Bodies of the Academy are the Management Board, the director, the deputy director and the Program Council.

Management board

Article 11

- (1) The Management Board is the management body of the Academy and consists of 9 members.
- (2) Four members and their deputies in the Management Board are proposed by the Judicial Council of Republic of Macedonia and one member each from the ranks of judges from the Supreme Court of The Republic of Macedonia, from the appellate courts, from the basic courts, as well as one member from the Administrative Court or from the Higher Administrative Court.

Q118 (2021): Law on Academy for judges and public prosecutors

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.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

The Management board is not different from the Board of Directors. For the composition on the Commission and the Management board please see comment on Q091.

Q118 (2019): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
 - (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
 - (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
 - (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
 - (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
 - (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
 - (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
 - (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
 - (9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
 - (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
 - (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
- The Management board is not different from the Board of Directors. For the composition on the Commission and the Management board please see comment on Q091.

Q119 (General Comment): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

- (1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.
- (2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.

Q119 (2019): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.

Q121 (2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.

Q121 (2019): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.

Q124 (2022): Integrity test is part of the entering exam on the Academy for judges and Public Prosecutors.

Q124 (2021): The integrity is not checked in the process of election on the candidate for prosecutors. Only there is integrity test as a part of the entering exam on the Academy for judges and public prosecutors for election on the initial training participants.

Q125 (General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labour Relation law. Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to this new condition for age retirement.

Q125 (2022): The official compulsory age of retirement is 64 years (see general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

Q125 (2019): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility for both to be extended to 67 years.

Serbia

Q089 (General Comment): According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam. Recruitment and promotion reform remains one of the main reform areas within the Action Plan for Chapter 23: judicial independence.

Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC.

Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant - As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career.

The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts (Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam “with distinction”. On the other hand, the HJC approve the number of “beneficiaries of initial training” to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam.

Q089 (2019): Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC. Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant -As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career. The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts ("The Official Gazette of the RS", No 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the Constitutional Court, 87/2018 and 88/2018 - decision of the Constitutional Court)(Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam "with distinction". On the other hand, the HJC approve the number of "beneficiaries of initial training" to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy("The Official Gazette of the RS ", No. 104/2009, 32/2014 - decision of the Constitutional and 106/2015)). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

According to the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam.

Q090 (General Comment): Law on Judges in Art 43 prescribe that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 od Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

Q090 (2019): Law on Judges ("The Official Gazette of the Republic of Serbia" No. 116/2008, 58/2009 - decision of Constitutional Court, 104/2009, 101/2010, 8/2012 - decision of Constitutional Court, 121/2012, 124/2012 - decision of Constitutional Court, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016 - decision of Constitutional Court and 47/2017) in Art 43 prescribes that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge. According to Art 45 of Law on Civil Servants ("The Official Gazette of the RS", No. 79/2005, 81/2005 - corrigendum, 83/2005 - corrigendum, 64/2007, 67/2007 - corrigendum, 116/2008, 104/2009, 99/2014, 94/2017 i 95/2018) a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfills other requirements prescribed by law, other legislation or Regulation on internal organisation and systematization 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.

Q091 (General Comment): Law on High Judicial Council, Article 13 (Jurisdiction of the HJC), Paragraph 1, Point 3: HJC proposes to the National Assembly candidates for the first election to the position of judge;

Law on Judges, Article 45a (Determining the competence and competence of the candidate for the judge who is elected for the first time) :

The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Judicial Council. Success in the exam is expressed in grades from 1 to 5.

A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take the exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.

The HJC prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.

Article 50 (Nomination of judges who are elected for the first time)

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the HJC will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the HJC will conduct an interview with the registered candidates.

The HJC proposes to the National Assembly one candidate for election to one judicial position.

The decision on the proposal of the HJC must be explained and published on the website of the HJC.

Q093 (General Comment): High Judicial Council shall announce the election for judges in the Official Gazette of the RS and the daily magazine Politika in order to fill vacant judicial positions in courts in the Republic of Serbia.

Q093 (2019): Yes- High Judicial Council announces the election for judges in the "Official Gazette of the RS" and the major daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of Serbia

Q094 (General Comment): The list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Q094 (2020): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Q094 (2019): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Q096 (General Comment): The candidate who has not been pre-selected can file Constitutional Appeal (it differs from the Appeal to the Constitutional Court explained in Article 57) Constitution of the Republic of Serbia - Constitutional appeal

Article 170

A constitutional complaint can be filed against individual acts or actions of state bodies or organizations entrusted with public powers, which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or are not provided for.

Q096 (2022): Constitutional Court

Q096 (2021): According to Art 57 of 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. 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.

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.

Q096 (2019): According to Article 57 of the Law on Judges the High Judicial Council issues a decision on the termination of office, against which the judge may file an objection/complaint before the High Judicial Council within 15 days from date of the delivery of the decision (the composition of members of the HJC at the two different sessions is not necessarily - and rarely - the same; it is only important that there is a quorum for decision making).

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.

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.

Q097 (General Comment): Law on Judges: Article 49

The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from bodies and organizations where the candidate worked in the legal profession, and for candidates coming from the courts, it is mandatory to obtain the opinion of the session of all judges of the court from which the candidate comes, as well as the opinion of the session of all judges of the immediately higher court, in which the candidate has the right of inspection before the election.

Article 50

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the High Council of the Judiciary will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the High Council of the Judiciary will conduct an interview with the registered candidates.

The High Council of the Judiciary proposes to the National Assembly one candidate for election to one judicial post.

The decision on the proposal of the High Council of the Judiciary must be explained and published on the website of the High Council of the Judiciary.

Q098 (General Comment): Nomination of judges who are elected for the first time

Law on Judges, Article 50

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the High Council of the Judiciary will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the High Council of the Judiciary will conduct an interview with the registered candidates.

The High Council of the Judiciary proposes to the National Assembly one candidate for election to one judicial post.

The decision on the proposal of the High Council of the Judiciary must be explained and published on the website of the High Council of the Judiciary.

Q100 (General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

Q100 (2019): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

Q102 (General Comment): Non-selected candidates may file Constitutional Appeal (It differs from the Appeal to the Constitutional Court explained in Article 57)

The decision of the Constitutional Court is final.

Q102 (2022): Constitutional Court

Q102 (2021): According to Art 57 of 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. 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.

Q102 (2019): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, IF NOT ELECTED TO PERMANENT OFFICE, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the 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.

Q103 (General Comment): According the Art. 49 of the Law on Judges High Judicial Council shall obtain the information and opinions about the qualification, competence and moral character of a candidate. The information 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 (2022): Opinions on candidates and judges are required and criminal records are checked.

Q103 (2021): Opinions on candidates and judges are required and criminal records are checked.

Q104 (General Comment): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation. Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges - a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working 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 months or for a punishable act that demonstrates that he/she is unfit for the judicial function, in case of incompetence or due to a serious disciplinary offence.

Q104 (2019): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation.

Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012-decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017)- a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working 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 months or for a punishable act that demonstrates that he/she is unfit for the judicial function, in case of incompetence or due to a serious disciplinary offence.

Q106 (General Comment): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is

assessed with performs the judicial duty with exceptional success . Rating shall be elected to

permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is

assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of Serbia".

Q106 (2019): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is assessed with "performs the judicial duty with exceptional success" rating shall be elected to permanent office as mandatory.

A first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of Serbia".

Q107 (General Comment): Article 67

Against the legally binding decision of the High Council of the Judiciary on termination of office, the judge has the right to appeal to the Constitutional Court, within 30 days from the date of delivery of the decision.

By its decision, the Constitutional Court can reject the appeal or accept the appeal and cancel the decision on termination of office.

The decision of the Constitutional Court is final.

Q107 (2019): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council.

According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

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.

Q111 (General Comment): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected by the Parliament public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Juridical Examination, and is worthy of the office of a public prosecutor. In addition to the general requirements, the person must have experience in the legal profession after passing the Juridical Examination, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years 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. Evaluation of the previous work is performed, and programs aimed at improving the work of public prosecutors' offices are presented. For candidates who are not from the public prosecutor services or the court services, a written exam must be passed.

Q111 (2019): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected as a public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Bar Exam, and is worthy of the office of a public prosecutor. In addition to general requirements, the person must have experience in the legal profession after passing the Bar Exam, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Republic Prosecutor and eleven years for Deputy of Republic Prosecutor. In the process of proposing candidates for the election of deputy public prosecutors for the first time, the SPC applied the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time ("Official Gazette of the Republic of Serbia", No. 80/16. Furthermore, at the session of the State Prosecutorial Council held on 7th of September 2017 the new Rulebook on the program and rules for taking the exam for the assessment of qualifications and competencies of candidates for the first election to the position of a deputy public prosecutor was adopted ("Official Gazette of the Republic of Serbia", No. 82/2017, from 8th of September 2017). Provisions of the new Rulebook define program and rules for taking the anonymous exam, as well as criteria for assessment of qualification and competencies of a candidate. The Rulebook is in line with Article 77a of the Law on Public Prosecution Office, and it stipulates that candidates who passed initial education at the Judicial Academy do not need to take the exam, conducted by the examination commission of the State Prosecutorial Council. The Rulebook foresees transparency of the election procedure also by setting the obligation to post the exam results at the Council web page. According to Law on Public Prosecution Office, SPC has a competence to elect first-time deputy prosecutors to a permanent function, after a three-years period.

Regarding election of deputy public prosecutors to a higher position (promotion) and election of public prosecutors/heads of public prosecutor's offices, according to the Law on Public Prosecution Office, SPC is obliged to conduct election process in accordance with the Rulebook on criteria and measures for evaluation of professionalism, competence and worthiness of the candidates in proceedings of proposing and election of holders of public prosecutorial function (adopted on 14th May 2015.)

Q112 (General Comment): In the Republic of Serbia, a public prosecutor is a holder of a prosecutorial function who is 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 prosecutors (deputies) and not to public prosecutors who are being appointed as a chief of public prosecutorial offices.

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.

Article 76 of Law on Public Prosecutor's Office

A citizen of the Republic of Serbia who meets the general requirements for working in state bodies, who has graduated from law school, passed the bar exam and is worthy of the office of public prosecutor can be elected as public prosecutor and deputy public prosecutor.

Q112 (2021): 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.

Q113 (General Comment): State Prosecutorial Council is competent institution for advertising competition for selection, interview procedure, deciding and publishing the decision (on official website) with the list of suggested candidates. The suggestion then goes to the National Assembly and only if it passes, the candidates are officially appointed to be deputy public prosecutors.

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. The Law on Public Prosecutor's Office: The National Assembly, on the proposal of the State Council of Prosecutors, elects as deputy public prosecutor a person who is elected to this position for the first time for a period of three years.

The State Council of Prosecutors proposes to the National Assembly one candidate for the position of Deputy Public Prosecutor.

The State Council of Prosecutors elects deputy public prosecutors for permanent performance in the same or another public prosecutor's office.

The State Council of Prosecutors also decides on the election of deputy public prosecutors who are on a permanent position in another or more public prosecutor's offices.

The number of deputy public prosecutors for each public prosecution is determined by the State Council of Prosecutors, with the prior consent of the minister responsible for justice.

Q113 (2020): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

Q113 (2019): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the 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 (General Comment): Law on Public Prosecutor's Office:

Election advertising

Article 78

The election of public prosecutors and deputy public prosecutors is announced by the State Council of Prosecutors.

The advertisement is published in the "Official Gazette of the Republic of Serbia" and other means of public information covering the entire territory of the Republic of Serbia.

Submission of applications

Article 79

Applications are submitted to the State Council of Prosecutors within 15 days from the date of publication of the advertisement.

With the applications, evidence of the fulfillment of the conditions for selection, if they are not already in the public prosecutor's office, is submitted.

Obtaining data and opinions

Article 80

The State Council of Prosecutors obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.

Interview with candidates

Article 81

Before making a decision on the selection, the State Council of Prosecutors conducts an interview with the registered candidate

Q114 (2020): The Council is making a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant.

The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to the State Prosecutorial Council within 15 days from the day of the announcement of the vacancy. Along with the application, evidence on meeting the election conditions are being submitted, if they are not already at the public prosecution office.

Q114 (2019): The State Prosecutorial Council makes a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant. The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the "Official Gazette of the Republic of Serbia" and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being 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.

Q115 (2019): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office ("Official Gazette of the Republic of Serbia, No 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court). 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.

Q116 (2019): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness 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.

Q117 (2019): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in writing to the Council within three days from the day of posting the rank list on the Council webpage.

Q118 (General Comment): Non-selected candidates may file Constitutional Appeal (It differs from the Appeal to the Constitutional Court explained in Article 57) The decision of the Constitutional Court is final.

Q118 (2022): Constitutional Court

Q118 (2020): Forbidden or untimely objection to the rank list is being dismissed by the Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council is determining the final rank list of candidates. When the State Prosecutorial Council makes a decision on the election, then the candidate can file a lawsuit with the Administrative Court against the decision of the Council.

Q118 (2019): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court against the final decision of the SPC. Therefore, the institution competent to decide on the complaint (pre-lawsuit procedure) is the SPC but the body competent to decide on the administrative lawsuit is the Administrative Court.

Q119 (General Comment): Criteria for election of public prosecutors (heads of public prosecution offices) and deputy public prosecutors are stipulated by the Law on Public Prosecution Office, the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders, as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor.

1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position.

Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State

Q119 (2019): Criteria for election of public prosecutors (heads of public prosecution offices) and deputy public prosecutors are stipulated by the Law on Public Prosecution Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court), the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders ("Official Gazette of the RS", No 43/2015 and 80/2016 - other Rulebook), as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor (Official Gazette of the RS, No. 82/2017 and 91/2018). 1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position. Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State Prosecutorial Council. Success at the exam is being expressed by marks from 1 to 5. The candidate for a deputy public prosecutor elected for the first time for the position in a basic public prosecution office, who completed initial education at the Judicial Academy, does not have to take the exam organized by the State Prosecutorial Council, but as his/her standard for qualification and competence shall be taken final mark at the initial education at the Judicial Academy. The State Prosecutorial Council regulates program and method of taking of the exam for evaluation of qualification and competence of candidates. Therefore, for the deputy 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. 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. Qualification and competence are being evaluated in the first case, as stated above, while in the second case, when election to the permanent position, as well as when electing public prosecutors (heads of public prosecution offices), worthiness is being evaluated as well. When proposing and electing candidates for the prosecutorial position, the State

Q120 (General Comment): As stated at the question 119:

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,

Q120 (2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors, - election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors, - election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

Q120 (2019): As stated for the question 119:

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.
3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors, - election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors, - election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

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.

Q121 (2021): 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.

Q121 (2019): There is a difference in procedure for final appointment of a "first time" deputy prosecutor for a 3 year period and for a public prosecutor.

1. For a deputy public prosecutor elected for the first time to a three-year term – finally appointed by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being appointed (elected) by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected.

The Parliament elects pp's and, in rare situations, can return the proposed list or a part of it to the SPC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by the authority which makes selection but has rather the second option ("Has a right to appoint some and reject some among the selected (proposed) candidates"). It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

Q121-1 (General Comment): The Parliament can (it happens rarely) return the proposed list or a part of it to the SPC.

Q123 (2022): Non-selected candidates may file Constitutional Appeal to the Constitutional Court.

The decision of the Constitutional Court is final.

Q123 (2019): Lawsuit before the Administrative Court.

Q125 (General Comment): The tenure of public prosecutors (heads of offices) is limited to 6 years and is re-electable. The tenure of deputy public prosecutors (who are also holders of public prosecutorial function) is permanent, until meeting conditions for retirement at the age of 65 (or on completing 40 years of pensionable years of service), but the tenure could expire earlier by dismissal, upon personal request, when labour capability is permanently lost or, on the contrary, it can be extended for two another years, i.e. until 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.

Q125 (2019): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

Q126 (General Comment): The trial period is related only to deputy public prosecutors.

Q126 (2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

Q126 (2019): Tenure of office of a Deputy Public Prosecutor elected to that function for the first time shall last three years, but there is no a probation period for Public Prosecutors. The trial period is related only to deputy public prosecutors.

Q127 (2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

Q127 (2019): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

Q128 (2022): The Appeal to the Constitutional Court may be filed.

Q129 (2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

Q129 (2019): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

Kosovo*

Q089 (General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Civic, Criminal and Administrative fields, and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KJC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases. This exam is divided in two days: the first day is dedicated to a penal exercise and the second day is reserved for a civil one. The maximum length of each exam is five hours. Each candidate is required to score at least 70 out of 100 points (each exercise has 50 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 50 points in the interview. The interview is recorded by camera and the candidate is notified in advance. A candidate has successfully completed the recruitment process if he/she has scored a minimum of 100 points overall (at least 70 from the written exam and 30 from the interview) is ranked within the number of vacancy positions as defined by KJC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

Q089 (2019): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KJC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Civic, Criminal and Administrative fields, and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KJC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases. This exam is divided in two days: the first day is dedicated to a penal exercise and the second day is reserved for a civil one. The maximum length of each exam is five hours. Each candidate is required to score at least 70 out of 100 points (each exercise has 50 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 50 points in the interview. The interview is recorded by camera and the candidate is notified in advance. A candidate has successfully completed the recruitment process if he/she has scored a minimum of 100 points overall (at least 70 from the written exam and 30 from the interview) is ranked within the number of vacancy positions as defined by KJC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

Q090 (General Comment): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

Q090 (2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of judges.

Q090 (2019): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

Q091 (2022): KJC through the commission for recruitment of judges, as per the law on the Kosovo Judicial Council is responsible for organizing recruitment of judges and selection of candidates.

Q095 (General Comment): Unsatisfied candidates that were not selected, have the right to appeal. In the event that the Review Committee of the KJC, after evaluating the complaint, finds that there have been violations of the rules regarding the organization of the qualifying test, the written test, the essay and the oral interview, as defined in this regulation, it may decide to repeat the part opposed to the exam to which the candidates from the list who have met the conditions to be submitted to the relevant part of the exam will be submitted. If the Review Committee of the KJC decides to repeat the relevant part of the exam, the exam will be organized within five (5) days from the decision of the Review Committee. In the event that the Review Committee finds that technical errors have been made in the calculation of the points of the qualifying test, the written test, the essay and the oral interview, while in the case of reviewing the complaint it is verified that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council compiles the final list of the exam, as determined by this regulation, which is published on the Council's official website.

Q096 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of 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 who drafts the exam, the recruitment commission and the review commission are three different bodies.

Q096 (2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Q097 (General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge and respect for human rights;

2. capacity for legal justifications as evidenced by professional activities in the field of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or other professional activity;
3. the professional ability based on the result of the previous career, including participation in organized training forms where performance is assessed;
4. ability and capacity to analyze legal problems;
5. the ability to perform tasks impartially, honestly, with care and responsibility;
6. communication skills; and
7. personal integrity.

The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the standard verification of records for the criminal past.

Q099 (General Comment): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges

Q099 (2021): Other body: President

Q099 (2020): Other body: The President of Republic of Kosovo

Q100 (General Comment): According to the Article 22 of Law on KJC, The President appoints judges in the judicial system with a three (3) year initial mandate based on the Council's proposals. Within sixty (60) days after the receipt of the proposal, the President shall issue a decree on the appointment as judge of the candidate proposed by the Council. If within this deadline the President does not appoint the judge, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council. As per the article 84, the President of the Republic of Kosovo appoints and dismisses judges of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council. Therefore, candidates that are proposed by the Kosovo Judicial Council, will be verified again by the office of the President, hence it is upon President's discretion to appoint a judge or to return back the proposal regarding that judge to the KJC.

Q102 (General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of 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 who drafts the exam, the recruitment commission and the review commission are three different bodies.

Q102 (2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Q103 (General Comment): Based on Article 27 point 1.8 of Law no. 06/L-055 Law on the Judicial Council, personal integrity is required, which is in accordance with the Constitution and the criteria defined by the Law.

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 (2022): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.

Q104 (2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office due to a conviction for a criminal offense or serious misconduct.

Q104 (2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a criminal act

Q104 (2019): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a criminal act.

Q107 (2019): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Q111 (General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

Q111 (2019): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

Q112 (General Comment): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations which define the criteria for becoming a judge or prosecutors. So, KPC and KJC are fully competent to define the criteria independently.

Q112 (2022): Regarding clean criminal record, the criteria specified by law is "not have been convicted of a criminal offence;"

Regarding "Other":

- Be a citizen of the Republic of Kosovo;
- Have high professional reputation and personal integrity;

Q112 (2021): Regarding clean criminal record, the criteria specified by law is "not have been convicted of a criminal offence;"

Regarding "Other":

- Be a citizen of the Republic of Kosovo;
- Have high professional reputation and personal integrity.

Q112 (2019): The clean criminal record is defined as follows: "have not been convicted of a criminal offence;"

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations which define the criteria for becoming a judge or prosecutors. So, KPC and KJC are fully competent to define the criteria independently.

Q113 (General Comment): The competent authority is Kosovo Prosecutorial Council

Q113 (2022): The recruitment committee established by the Council.

Q115 (General Comment): The criteria are also specified in the Law on State Prosecutor which is published online

Q115 (2022): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online.

Q115 (2019): The criteria are also specified in the Law on State Prosecutor which is published online

Q118 (General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.

2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo Prosecutorial Council(KPC). All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Q118 (2022): Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Right to appeal

The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation. The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam. If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee. In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list. In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation, which shall be published on the official website of the Council. A candidate who files a complaint has the right to access his test before filing a complaint.

Q118 (2021): Article 25 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in 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 candidates that have passed respective part of the Exam, then that candidate shall be included in the list of the candidates that have passed that part of the exam.
6. Following the review of the appals for qualification test, written test and interview, KPC shall publish the list, as set by Articles 15.2, 20.2, 24.4 and 24.5 of this Regulation, and the respective shall be considered the Final Exam List.

Q118 (2019): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. Please refer to question 141: The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion does not vote.

Q119 (General Comment): Article 28 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Preliminary results of the exam 1.The final result for the success of a candidate is calculated on the basis of the accumulation of points achieved in the qualifying test, written test, and oral interview. 2. After the completion of the evaluation process, the points are collected, the results are verified and the final list is prepared in order to announce the exam results. 3. The final results of the candidates who have successfully passed the exam are published on the official website of the Council. The notice for this will contain the name, surname and number of points achieved by the candidate, in the qualifying test, written test, essay, oral interview and total points. 4. A candidate is considered to have not successfully passed the prosecutor's exam, if he fails to obtain at least (55) points, from the final score of one hundred (100) points, as many as are possible, in the entire recruitment process. 5. The Recruitment Commission compiles the list of candidates, according to the points obtained in the exam. Candidates are ranked The law on state prosecutor, article 19 specifies: Candidates for appointment as a 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

Q119 (2021): Article 24 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and 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.
5. Final candidates` results that have successfully passed the exam shall be published on the KPC and SP website. Announcement shall contain name, last name and scores obtained by the candidate in the written test and interview.

Q120 (General Comment): The competent authority is the Kosovo Prosecutorial Council

Q121 (General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

Q121 (2022): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes 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 (2021): Kosovo Prosecutorial Council established the recruitment committee which is responsible for all the 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

Q121 (2019): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

Q121-1 (General Comment): Article 23 of Law on KPC

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, however they can not appeal the decree of the President.

Q122 (2020): It is not possible to appeal against the formal appointment by the President. The candidate can appeal any other decision throughout the selection procedure, but not the decision of appointment.

Q123 (General Comment): Non selected candidates have the right to appeal to the Basic Court.

Q123 (2019): Non selected candidates have the right to appeal to the Basic Court.

Q124 (General Comment): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops 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.

Candidates have the right to be informed and to view all documentation collected prior to the interview.

Q124 (2022): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops 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.

Candidates have the right to be informed and to view all documentation collected prior to the interview.

Article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

“The process of verifying the personal and professional integrity of the candidate”

Q125 (2022): 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

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

Q127 (General Comment): Article 36 of Regulation 07/2015 on State Prosecutors' Recruitment, Exam, Appointment and Reappointment

Reappointment of State Prosecutors

1. The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
2. The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
3. KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5. KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Q127 (2022): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

Reappointment of State Prosecutors

1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor. 2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law. 3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate. 4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision 5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment. 6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

Q127 (2021): Article 36 of regulation 07/2015 on the process of recruitment

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 at which was recommended the candidate to be assigned.
5. KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Q127 (2019): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

Reappointment of State Prosecutors

1. The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
2. The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
3. KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
4. Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
5. KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Indicator 5. Appointment/recruitment/mandate of judges/prosecutors

by question No.

Question 89. How are judges recruited?

Question 90. What are the entry criteria (pre-conditions) 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 retirement)?

Question 105. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

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 the mandate (in years)?

Question 109. Is it renewable?

Question 111. How are public prosecutors recruited?

Question 112. What are the entry criteria (pre-conditions) 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 possible):

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 age of retirement)?

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 length of the mandate (in years)?

Question 130. Is it renewable?

Question 089

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision.

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 general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

(2019): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

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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 general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

(2022): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection the Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notice for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

(2020): Judicial Council is an independent body regulates appointment and termination of office of judges in Montenegro. Article 128 of the Constitution of Montenegro states the jurisdiction of the Judicial Council. Article 28 of the Law on Judicial Council states that judges and Presidents of the Courts are elected on the bases of public announcement. The candidates' applications shall be submitted to the Judicial Council within 15 days as of the day of the public announcement. Article 32 of the Law determines criteria for elections of judges to be appointed for the first time, namely: 1. Acquired knowledge with established sub criteria; 2. Ability to perform judicial function on the basis of established sub criteria; 3. Worthiness to perform judiciary function being valued based on established sub criteria. For judges to be elected for the first time, the law prescribes the written examination of candidates by the Commission. Written examination shall be anonymous, and potential questions can be found on the Judicial Council website. After the written examination conducted, interviews shall be organized with the candidates who passed the written test. Members of the Judicial Council evaluate candidates based on the interview, applicants' documentation and opinions, applying the criteria and sub-criteria from Article 32, 32a and 32b of the Law on Judicial Council and shall fill out standardized candidate assessment forms, which they submit to the Commission. The Commission establishes the average number of points, based on the evaluation of each member of the Judicial Council. Based on an average score, the Commission makes a list of candidates for election to be submitted to the Judicial Council for decision - making. The Decision on the Selection The Judicial Council issues a secret ballot and the same has to hold a written statement of reasons. Each candidate shall have the right to inspect his documentation, as well as a written test, the opinion and the final grade of other candidates who have applied for the selection of the judge within 30 days from the date after the decision. The decision of the Judicial Council on the election of a judge is final and an administrative dispute can be initiated against it. The Judicial Council publishes an internal notices for filling vacancies of judges on its website. The right to apply for an internal vacancy shall have judges who want to be permanently allocated to another court of the same or lower instance. The Judicial Council shall form a list of candidates for deployment from paragraph 2 of this Article, according to the results of the work in the last three years, or according to the evaluation of the work performed by the judge in accordance with this Law. The Judicial Council on the basis of a list of candidates referred to in paragraph 3 of this Article, shall decide on the assignment of judges to another court of the same instance, taking into account the needs of the court in which a judge performs a judicial function and court in which it is seconded.

North Macedonia

(General Comment): 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.

(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.

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(2019): Judges in basic courts are appointed by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

Serbia

(General Comment): According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam. Recruitment and promotion reform remains one of the main reform areas within the Action Plan for Chapter 23: judicial independence.

Judges in Serbia are elected for the first time for a three-year term of office by the National Assembly among one or more candidates nominated respectively by the High Judicial Council. After three years of service and upon high evaluation the judges are appointed to a permanent office respectively by the HJC.

Currently there exist two parallel ways of access to the career of a judge: -As a judicial assistant - As a graduate of the Judicial Academy. Most of the candidates for appointment to the office of a judge are judicial assistants, which is the traditional (and still the principal in term of number of appointments) way of access to the judicial career.

The legal status and the functions of judicial assistants are regulated by the Law on Organisation of Courts (Articles 57- 64). Their number is determined by each court president for his/her court. Selection and appointment is made by the court president, usually among the judicial interns. The law gives the latter the privilege of being permanently employed as judicial assistants in case they pass the bar exam “with distinction”. On the other hand, the HJC approve the number of “beneficiaries of initial training” to be admitted every year for initial training at the Academy (Article 26 on Law on Judicial Academy). The entrance exams and the graduation criteria are vaguely regulated by the Law. The candidates who completed initial training with the Judicial Academy are exempted from the obligatory exam and the criteria for competence and qualification evaluation for judicial position is the final exam grade achieved in the basic training at the Academy.

According to the Law on Judges, a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam.

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According to the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017), a citizen of the Republic of Serbia who meets the requirements for employment in State bodies, who is a law school graduate, who has passed the State judicial exam may be elected a judge. Other requirements for the election of a judge are qualification, competence and worthiness, as well as duration of work experience in the legal profession upon passing of the State judicial exam.

Kosovo*

(General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Civic, Criminal and Administrative fields, and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KJC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of both a penal and civil case and the candidate is required to solve both cases. This exam is divided in two days: the first day is dedicated to a penal exercise and the second day is reserved for a civil one. The maximum length of each exam is five hours. Each candidate is required to score at least 70 out of 100 points (each exercise has 50 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KJC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 50 points in the interview. The interview is recorded by camera and the candidate is notified in advance. A candidate has successfully completed the recruitment process if he/she has scored a minimum of 100 points overall (at least 70 from the written exam and 30 from the interview) is ranked within the number of vacancy positions as defined by KJC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

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Question 090

Albania

(2019): All the applicants must have a clean criminal record in the moment that they apply for the admission exam to become magistrates.

Bosnia and Herzegovina

(General Comment): Clean criminal record:

During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office.

The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense?

Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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, through the appointment procedure determine the ability of the candidate with criminal record to perform the judicial function.

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Montenegro

(General Comment): RULES OF THE JUDICIAL COUNCIL Application to a public announcement

Article 46 Application to a public announcement represents a standard pattern, which is an integral part of these Rules.

The application form contains a warning that giving untrue or false informations shall result in exclusion of candidates from consideration.

With a completed and signed application form a candidate submits the following documents:

- A certified copy of the certificate on citizenship of Montenegro;
- Medical certificate;
- A certified copy of all university diplomas;
- A certified copy of certificate of having passed the bar exam;
- Evidence of the work experience;
- A certified copy of the certificate for completion of educational courses;
- The certificate that there is no criminal procedure against him/her;
- The candidate's statement as to whether he/she was imposed with a disciplinary measure, whether he/she was misdemeanored and penalized or convicted of any criminal offense and, if so, when, where and for which criminal offense;
- A statement that he/she is not a member of any political organization

(2022): no prior convictions or criminal proceedings

regarding age, no specific age as a criteria is established by the law. The conditions are related to the ages of relevant experience and there is a general labour rules for age of retirement.

(2019): RULES OF THE JUDICIAL COUNCIL

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North Macedonia

(General Comment): Law on 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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

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- 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)
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(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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Serbia

(General Comment): Law on Judges in Art 43 prescribe that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge.

According to Art 45 od Law on civil servants a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

(2019): Law on Judges (" The Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) in Art 43 prescribes that a citizen of the Republic of Serbia who meets the general requirements for employment in state bodies, who is a law school graduate, who has passed the bar exam and who is deserving of judgeship may be elected a judge. According to Art 45 of Law on Civil Servants ("The Official Gazette of the RS", No. 79/2005, 81/2005 - corrigendum, 83/2005 - corrigendum, 64/2007, 67/2007 - corrigendum, 116/2008, 104/2009, 99/2014, 94/2017 i 95/2018) a person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfills other requirements prescribed by law, other legislation or Regulation on internal organisation and systematization 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 is under criminal investigation(has an indictment)

(2021): Pursuant to Article 20 of Law no. 06 / L-055 of the Kosovo Judicial Council, on the recruitment of judges.

(2019): By clean criminal record is meant the subject have not been convicted of a criminal offence nor is under criminal investigation(has an indictment)

Question 091

Montenegro

(General Comment): According to the Constitution, Judicial Council elects the judges and court presidents. The Law on Judicial Council and Judges and the Rules of Procedure of Judicial Council regulate the procedure for the selection of judges and court presidents. The Judicial Council conducts the procedure for the selection of judges and makes decisions on election of judges after the procedure is completed.

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial 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 Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

(2019): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial 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 Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

Serbia

(General Comment): Law on High Judicial Council, Article 13 (Jurisdiction of the HJC), Paragraph 1, Point 3: HJC proposes to the National Assembly candidates for the first election to the position of judge;

Law on Judges, Article 45a (Determining the competence and competence of the candidate for the judge who is elected for the first time) :

The expertise and competence of a candidate for a judge who is elected for the first time to the position of judge is checked in an exam organized by the High Judicial Council.

Success in the exam is expressed in grades from 1 to 5.

A candidate for a judge who is elected to the position of judge in a basic or misdemeanor court for the first time and who has completed initial training at the Judicial Academy is not required to take the exam organized by the High Council of the Judiciary, but the final grade at the initial training is taken as a measure of expertise and competence. at the Judicial Academy.

The HJC prescribes the program and method of taking the exam, which evaluates the expertise and competence of candidates for the position of judge.

Article 50 (Nomination of judges who are elected for the first time)

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the HJC will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the HJC will conduct an interview with the registered candidates.

The HJC proposes to the National Assembly one candidate for election to one judicial position.

The decision on the proposal of the HJC must be explained and published on the website of the HJC.

Kosovo*

(2022): KJC through the commission for recruitment of judges, as per the law on the Kosovo Judicial Council is responsible for organizing recruitment of judges and selection of candidates.

Question 092

Montenegro

(General Comment): The public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

(2019): Public announcement is published on the web site of the Judicial Council, in one daily printed media and in the Official Gazette of Montenegro.

Question 093

Albania

(2022): Criterias are defined by law, but also announced in the public call from the Judicial Academy

Serbia

(General Comment): High Judicial Council shall announce the election for judges in the Official Gazette of the RS and the daily magazine Politika in order to fill vacant judicial positions in courts in the Republic of Serbia.

(2019): Yes- High Judicial Council announces the election for judges in the "Official Gazette of the RS" and the major daily magazine "Politika" in order to fill vacant judicial positions in courts in the Republic of Serbia

Question 094

Bosnia and Herzegovina

(General Comment): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

(2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Montenegro

(General Comment): Link to the Law on Judicial Council and judges- articles 47-51

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 may use the expert assistance of psychologists.

Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. 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 a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised

(2019): <http://sudovi.me/files/L3Nkc3YvZG9jLzI0MzcucGRm=>

Link to the Law on Judicial Council and judges- articles 47-51

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 may use the expert assistance of psychologists.

Ranking List of Candidates for Judges- Article 50 On the basis of grades in the written test or the bar exam and interview evaluation, the ranking list of candidates for judges shall be made (hereinafter: the ranking list), according to the number of points achieved. 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 a written test or the bar exam, and if candidates have scored the same number of points on the written test or the bar exam, the preference shall be given to the candidate who is a member of a minority or other minority ethnic community. If preference among candidates may not be determined in the manner referred to in paragraph 2 of this Article, the Judicial Council shall select a candidate through vote by secret ballot.

Appointment and Assignment of Candidates for Judges- Article 51 The Judicial Council shall make a decision on the appointment of as many candidates for judges as advertised vacancies for judges, according to the order from the ranking list, as well as on the assignment of candidates for judges to the initial training at the Basic Court in Podgorica.

Serbia

(General Comment): The list of candidates shall be published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

(2020): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

(2019): Yes- The list of candidates is published on the Council's website, with an indication of the date and time of publication, on the form which is an integral part of the Rulebook on manner for evaluation of expertise, competence and worthiness of candidates for judges who are being elected for the first time ("Official Gazette of RS", 7/18).

Question 095

Albania

(2022): The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision.

Kosovo*

(General Comment): Unsatisfied candidates that were not selected, have the right to appeal. In the event that the Review Committee of the KJC, after evaluating the complaint, finds that there have been violations of the rules regarding the organization of the qualifying test, the written test, the essay and the oral interview, as defined in this regulation, it may decide to repeat the part opposed to the exam to which the candidates from the list who have met the conditions to be submitted to the relevant part of the exam will be submitted. If the Review Committee of the KJC decides to repeat the relevant part of the exam, the exam will be organized within five (5) days from the decision of the Review Committee. In the event that the Review Committee finds that technical errors have been made in the calculation of the points of the qualifying test, the written test, the essay and the oral interview, while in the case of reviewing the complaint it is verified that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council compiles the final list of the exam, as determined by this regulation, which is published on the Council's official website.

Question 096

Albania

(2022): 1. The Judicial Academy is the defendant in the administrative case. The appeal is done against their decision. 2. Administrative Court of Appeal

(2020): Administrative Court of First Instance of Tirana Judicial District

(2019): Administrative Court of First Instance of Tirana Judicial District

Montenegro

(General Comment): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

(2019): Administrative Court of Montenegro - Law on Administrative dispute proscribes entire procedure.

North Macedonia

(General Comment): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three 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.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

(2019): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
- (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
- (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
- (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
- (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
- (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
- (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
- (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
- (9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
- (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
- (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Serbia

(General Comment): The candidate who has not been pre-selected can file Constitutional Appeal (it differs from the Appeal to the Constitutional Court explained in Article 57) Constitution of the Republic of Serbia - Constitutional appeal

Article 170

A constitutional complaint can be filed against individual acts or actions of state bodies or organizations entrusted with public powers, which violate or deny human or minority rights and freedoms guaranteed by the Constitution, if other legal means for their protection have been exhausted or are not provided for.

(2022): Constitutional Court

(2021): According to Art 57 of 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. 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.

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.

(2019): According to Article 57 of the Law on Judges the High Judicial Council issues a decision on the termination of office, against which the judge may file an objection/complaint before the High Judicial Council within 15 days from date of the delivery of the decision (the composition of members of the HJC at the two different sessions is not necessarily - and rarely - the same; it is only important that there is a quorum for decision making).

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.

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.

Kosovo*

(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

(2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Question 097

Bosnia and Herzegovina

(General Comment): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

(2019): Other: The candidates who do not hold judicial office and who have applied for a judge position on any level of court system must take entrance exam and written tests.

Montenegro

(General Comment): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

(2019): The Program Committee for Initial Training of the Center for Training in Courts and State Prosecution Office, after completing the theoretical part of the Initial training that lasts 6 months and of the practical part of training that lasts 12 months, establishes the Final proposal of the grade for theoretical and practical part of training, and on the basis of Article 44 paragraph 5 of the Law on Center for Training in Courts and State Prosecution Office submits this Final proposal of grades of the selected candidates for judges to the Judicial Council. The Judicial Council, on the basis of the Report of the legal entity authorized for training judges and mentors in the conducted training, on the basis of the Law on Judicial Council and Judges and the Final proposal of the grades, brings a decision determining the grade of the proposed candidate.

North Macedonia

(General Comment): Judicial Council adopted the Rulebook on the method of ranking candidates for judges from the Academy for Judges and Public Prosecutors, available at http://www.sud.mk/wps/portal/ssrm/sud/legislativa/podzakonski-akti/!ut/p/z1/hZHNTsMwEISfpYcc8W5-6hpukRAJBalwME33gtLIJHquHKd5vVbtyckcPa20nyzox0gqICG-ty3tevNUB-u-474Ny-yDMUbvfhfxRmAUN5I_li_Jc7GcbUggZQoU5r-AgJrRWjU42Dk7qrClZ7wl_jM5hvn152ykOx84MMvTXEQKedwihgT-rWugfq_Z1GiGTMTpMk0EX2ZJJY89rXlwz4VLZBVP8oqy0Z7bbNz7nh6ijDCaZpYa0x7UKwxOsK_kM6cHFS_IVCivx0Od9RSP0hZYf-ht8KJ13yxuAAIIS7M/p0/IZ7_6G4408K0LG1O80AUOU69HF2DO7=CZ6_6G4408K0LG1O80AUOU69HF2DG7=MECTX!QCPsovet_mkQCPSudQCPLegislativaQCPPodzakonskiQCAaktiQCPPodzakonskiQCAakti=ns_Z7_6G4408K0LG1O80AUOU69HF2DO7_WCM_Page.7e4d7b72-297c-4395-bbd7-4f25f1b2c8cf!2=WCM_PI!1==/#Z7_6G4408K0LG1O80AUOU69HF2DO7

Serbia

(General Comment): Law on Judges: Article 49

The High Council of the Judiciary obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from bodies and organizations where the candidate worked in the legal profession, and for candidates coming from the courts, it is mandatory to obtain the opinion of the session of all judges of the court from which the candidate comes, as well as the opinion of the session of all judges of the immediately higher court, in which the candidate has the right of inspection before the election.

Article 50

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the High Council of the Judiciary will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the High Council of the Judiciary will conduct an interview with the registered candidates.

The High Council of the Judiciary proposes to the National Assembly one candidate for election to one judicial post.

The decision on the proposal of the High Council of the Judiciary must be explained and published on the website of the High Council of the Judiciary.

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, article 20 (recruitment of judges), there are seven main requirements when it comes to the recruiting criteria: 1. professional knowledge, work experience and performance, including knowledge and respect for human rights;

2. capacity for legal justifications as evidenced by professional activities in the field of justice, including in the capacity of a judge, prosecutor or Lawyer, academic work or other professional activity;
3. the professional ability based on the result of the previous career, including participation in organized training forms where performance is assessed;
4. ability and capacity to analyze legal problems;
5. the ability to perform tasks impartially, honestly, with care and responsibility;
6. communication skills; and
7. personal integrity.

The procedure for assessing the eligibility of a candidate to become part of the judiciary is carried out through verification of the data submitted by the candidate, data from relevant public records for evaluation, including the standard verification of records for the criminal past.

Question 098

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Serbia

(General Comment): Nomination of judges who are elected for the first time

Law on Judges, Article 50

When nominating candidates for judges who are elected for the first time, in addition to expertise, competence and worthiness, the High Council of the Judiciary will especially value the type of work that the candidate performed after passing the bar exam.

For candidates coming from the ranks of judicial assistants, a performance evaluation must be obtained.

Before nominating, the High Council of the Judiciary will conduct an interview with the registered candidates.

The High Council of the Judiciary proposes to the National Assembly one candidate for election to one judicial post.

The decision on the proposal of the High Council of the Judiciary must be explained and published on the website of the High Council of the Judiciary.

Question 099

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of judges is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any court (regardless of the level) precedes the appointment of judges, including court presidents. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new judges from the promotion or transfer of judges to a different position in judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of judges on any level. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already judges or prosecutors are established based on the performance evaluation. All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints judges from the list of successful candidates upon proposal of relevant nomination subcouncil (internal body within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Kosovo*

(General Comment): At the end of these procedures, in accordance with the proposal of the KJC, the President of Kosovo decrees the new judges

(2021): Other body: President

(2020): Other body: The President of Republic of Kosovo

Question 100

Albania

(General Comment): According to Article 35 of law 96/2016 on the status of judges and prosecutors in the Republic of Albania:

1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:
 - a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
 - b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
 - c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.
2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.
3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed.
4. Within the period of one month as of the date of the publication of the graduates' list the Councils shall:
 - a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment, as well as has applied under the provisions of paragraph 2 and 3 of this Article,
 - b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.
5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

(2019): 1. The graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
 - b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
 - c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.
2. A graduate may apply for appointment as magistrate following an invitation in accordance with Article 39 paragraph 1 of this Law, within the period of two weeks beginning with the date of the publication of the graduates' list. For justified reasons a graduate may apply to be appointed also in the following year.
3. A candidate for judge may, by notice in writing to the Council, apply for appointment as a judge. The request shall contain, in a preferential list, three courts where the graduate seeks to be appointed. A candidate for prosecutor may, by notice in writing to the Council, apply for appointment as a prosecutor. The request shall contain, in a preferential list, three prosecution offices where the graduate seeks to be appointed.
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 - b) Reject the appointment as magistrate to any person who appears in the graduates' list and having submitted the request under points 2 and 3 of this Articles, however, not satisfying the criteria for appointment.
5. The Council shall approve more detailed rules regarding the reasons justifying putting up the candidacy in the upcoming year, under the provisions of paragraph 2 of this Article.

Bosnia and Herzegovina

(General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and 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 Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Montenegro

(2019): In the ten years of practice so far, the Judicial council has only endorsed the proposed candidates by the Center for Training in Courts and State Prosecution Service, as they were all satisfactory in training, and the Center has never submitted a proposal of candidates other than those who received the training, therefore the Judicial council confirms their proposal.

Serbia

(General Comment): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

(2019): The Parliament elects judges and, in rare situations, can return the proposed list or a part of it to the HJC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by HJC. It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

Kosovo*

(General Comment): According to the Article 22 of Law on KJC, The President appoints judges in the judicial system with a three (3) year initial mandate based on the Council's proposals. Within sixty (60) days after the receipt of the proposal, the President shall issue a decree on the appointment as judge of the candidate proposed by the Council. If within this deadline the President does not appoint the judge, the Council may re-submit the proposed candidate together with the supplementary reasoning in writing. Thereafter the President appoints the judge upon the proposal of the Council. As per the article 84, the President of the Republic of Kosovo appoints and dismisses judges of the Republic of Kosovo upon the proposal of the Kosovo Judicial Council. Therefore, candidates that are proposed by the Kosovo Judicial Council, will be verified again by the office of the President, hence it is upon President's discretion to appoint a judge or to return back the proposal regarding that judge to the KJC.

Question 101

Montenegro

(General Comment): Candidates who are not elected have the possibility to file lawsuit to the Administrative court of Montenegro. Such procedure is defined by the Law on Administrative Dispute.

Article 52 of the Law on Judicial Council and Judges : "A person who applied for the public announcement for the appointment of judges in the Basic Court shall have the right to inspect the documents, written test and the grades of persons who have applied for this public announcement, within 15 days from the date of the decision on the assignment of candidates for judges. The persons referred to in paragraph 1 of this Article may initiate an administrative dispute against the decision of the Judicial Council referred to in Article 51, paragraph 1 of the present Law."

North Macedonia

(General Comment): Law on Judicial Council, article 49, paragraph 5

The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan.

This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Question 102

Albania

(2022): Administrative Court of Appeal

Montenegro

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North Macedonia

(2019): Law on Judicial Council, article 49, paragraph 5

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This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Serbia

(General Comment): Non-selected candidates may file Constitutional Appeal (It differs from the Appeal to the Constitutional Court explained in Article 57)

The decision of the Constitutional Court is final.

(2022): Constitutional Court

(2021): According to Art 57 of 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. 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.

(2019): Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012- decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017) provides the following:

Article 57

A judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working ability, IF NOT ELECTED TO PERMANENT OFFICE, or in case of dismissal.

The High Judicial Council issues a decision on the termination of office, against which the judge may file an objection before the High Judicial Council within 15 days from date of the delivery of the decision.

High Judicial Council can dismiss the objection if it was not submitted in due time, sustain the objection and amend the decision on the termination of office or reject the objection and confirm the decision on the termination of office.

The decision on the termination of office shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

Appeal to the Decision on Termination of Office

Appeal with the Constitutional Court

Article 67

The judge is entitled to file an appeal against the final and binding decision of the High Judicial Council to the 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.

Kosovo*

(General Comment): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

(2019): There are three different Commissions working on the recruitment process: first, the recruitment commission which is consisted of five (5) members, three (3) of whom are members of the KJC; second, there is a Review Commission consisting of 3 (three) members, of which at least one (1) member is from among the judges of the Supreme Court, one (1) judge from the Court of Appeal and one (1) a member of the KJC Judges; and third, the Qualification Test Drafting Commission which is composed of nine (9) members whose mandate ends with the preparation of the Qualifying Test with which they have been assigned as the Commission. So, the commission who drafts the exam, the recruitment commission and the review commission are three different bodies.

Question 103

Albania

(General Comment): Integrity is part of the selection process in three moments. The first control, made by the School of Magistrates, is if the candidate fulfil the criteria for admission to initial training, two of which consist in integrity: they must have never been criminally convicted by a final decision and they must have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction.

The second control is made with the psychological and mental health assessment, which is part of the recruitment exam. This assessment is also focused in the approach of the candidates to corruption, ethics, etc. And the third control is made by the Councils, after the applicants have successfully passed the two phases and the psychological and mental health assessment. The Councils shall request for each applicant, information from competent institutions for the verification of assets and background check regarding any other disqualifying grounds from the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest, prosecution office, financial, tax and customs authorities, National Bureau of Investigation, state intelligence institutions and any disciplinary authorities having supervised the discipline in the labour relations of the candidate.

Bosnia and Herzegovina

(2022): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

(2021): The integrity of candidate judges is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

North Macedonia

(General Comment): The integrity of candidate judge is checked with a conducting on a psychological and integrity test by the Judicial Council according to the article 45-a from the Law on courts.

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.
- (5) The psychological test shall be conducted on the basis of internationally recognized psychological tests for exercising the judicial office that are applied in at least one of the member states of the European Union and the OECD.

Serbia

(General Comment): According the Art. 49 of the Law on Judges High Judicial Council shall obtain the information and opinions about the qualification, competence and moral character of a candidate. The information 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.

(2022): Opinions on candidates and judges are required and criminal records are checked.

(2021): Opinions on candidates and judges are required and criminal records are checked.

Kosovo*

(General Comment): Based on Article 27 point 1.8 of Law no. 06/L-055 Law on the Judicial Council, personal integrity is required, which is in accordance with the Constitution and the criteria defined by the Law.

(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

(General Comment): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age 67 years old;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

2. Judges of the High Court shall retire at the age of 70. The mandate of a High Court judge shall end upon reaching the age of 70, regardless of the years of assuming the function in this position. The judges of the High Court are appointed for a 9 year term, without the right to re-appointment.

(2022): Judges of the High Court shall retire at the age of 70.

(2020): Retirement age: 67/70

(2019): The status of a magistrate shall end upon:

- a) His or her resignation;
- b) Establishment of circumstances of his/her inelectability and incompatibility in exercising the function;
- c) Reaching the retirement age;
- ç) Dismissal as a result of a disciplinary liability, in accordance with this Law;
- d) Establishment of circumstances of inability to exercise the function.

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Bosnia and Herzegovina

(General Comment): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina the mandatory retirement age for judges is age seventy (70). A judge can be removed from office as a disciplinary sanction. The disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A judge can resign from office. A judge can be removed from the office because it has been proven by the medical documentation that she or he has permanently lost the working capacity to perform his/her judicial function.

Reserve judges may be appointed on a temporary basis (up to 2 years).

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 Prosecutorial Council of Bosnia and Herzegovina upon application by the president of a court; the High Judicial and Prosecutorial Council of Bosnia and Herzegovina may renew the mandate of reserve judges following the request of the president of a court.

Montenegro

(General Comment): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

(2019): The judge ceases to be in office if he or she so requests, when he or she fulfills the conditions for entitlement to the retirement and is sentenced to a unconditional sentence.

A judge shall be dismissed if he has been convicted of an offense which makes him unworthy of performing his judicial office; unprofessional or negligent performance of judicial office or if permanently incapacitated for the performance of judicial office.

North Macedonia

(General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labour Relation law. Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to this new condition for age retirement.

(2022): In 2022, the official compulsory age of retirement is 64 years (please, see the general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

(2019): There is a possibility for judges to prolong their retirement until 67.

Serbia

(General Comment): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation. Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges - a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working 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 months or for a punishable act that demonstrates that he/she is unfit for the judicial function, in case of incompetence or due to a serious disciplinary offence.

(2019): In accordance with the Law on Judges, a judge is appointed to office for an undetermined period, with the function lasting continuously from the first election to judge's office until retirement – until s/he turns 65 years of age, ex. lege, i.e. 67 for judges of the Supreme Court of Cassation.

Exceptionally, an individual elected to a judge's office for the first time is elected for a period of three years. Following the election, a judge's function may terminate under conditions provided under the Law on Judges ("Official Gazette of the Republic of Serbia" No. 116/2008,58/2009-decision of Constitutional Court, 104/2009, 101/2010, 8/2012-decision of Constitutional Court, 121/2012, 124/2012- decision of Constitutional Court, 101/2013, 111/2014- decision of Constitutional Court, 117/2014, 40/2015, 63/2015 - decision of Constitutional Court, 106/2015, 63/2016- decision of Constitutional Court and 47/2017)- a judge's office ends at the request of the judge, with retirement age, due to a permanent loss of working 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 months or for a punishable act that demonstrates that he/she is unfit for the judicial function, in case of incompetence or due to a serious disciplinary offence.

Kosovo*

(2022): Based on Article 25 of Law No. 06/L-055 Dismissal of Judges, Judges may be dismissed from office due to conviction for a criminal offense or serious non-compliance with duties.

(2021): Pursuant to Article 25 of Law No. 06 / L-055 Dismissal of Judges, Judges may be removed from office due to a conviction for a criminal offense or serious misconduct.

(2020): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a criminal act

(2019): Based on the article 25 of the Law on Judicial Council , a judge can be dismissed if he/she commits a criminal act.

Question 106

Serbia

(General Comment): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is assessed with performs the judicial duty with exceptional success . Rating shall be elected to permanent office as mandatory. A first-time elected judge whose work during the first three-year term of office is assessed as not satisfactory; may not be appointed to permanent office. Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of Serbia".

(2019): The High Judicial Council elects judges to be appointed to permanent office.

A first-time elected judge whose work during the first three-year term of office is assessed with "performs the judicial duty with exceptional success" rating shall be elected to permanent office as mandatory.

A first-time elected judge whose work during the first three-year term of office is assessed as "not satisfactory" may not be appointed to permanent office.

Every decision on the election must be reasoned and published in the "Official Gazette of the Republic of Serbia".

Question 107

Serbia

(General Comment): Article 67

Against the legally binding decision of the High Council of the Judiciary on termination of office, the judge has the right to appeal to the Constitutional Court, within 30 days from the date of delivery of the decision.

By its decision, the Constitutional Court can reject the appeal or accept the appeal and cancel the decision on termination of office.

The decision of the Constitutional Court is final.

(2019): The Constitutional Court has the authority to decide against the final and binding decision of the High Judicial Council.

According to Article 67 of the Law on Judges the judge is entitled to file an appeal to the Constitutional Court against the final and binding decision of the High Judicial Council.

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.

Kosovo*

(2019): The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Question 108

North Macedonia

(General Comment): All judges are appointed for a life.

(2019): All judges are appointed for a life.

Question 111

Albania

(General Comment): The School of Magistrates shall receive applications for admission to the initial training by end of February of each year. The applicants submit the necessary documents proving the fulfilment of the criteria determined to be appointed as a magistrate as provided in the status law. Where the submitted documentation does not fully prove the fulfilment of the criteria, or is not complete, accurate, or there are reasonable doubts regarding its authenticity, the School of Magistrates may request further information or documentation from state institutions or employers of an applicant. By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria. The School submits to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received and publishes the final assessment report on its official website, including the list of applicants who fulfil the criteria.

Any applicant, who is not included in the list of applicants meeting the criteria, has the right to appeal the decision. The admission exam takes place by the end of April of each year and is opened to all applicants included in the list of qualified applicants. The admission exam is divided into three parts: a general admission exam, a professional exam and a psychological evaluation exam. The

general admission exam focuses on IQ tests and general knowledge test. The participants need to obtain at least 60% to be qualified for the next stage. The professional exam is a written exam with theoretical and case law questions. The third part of the exam is performed by a team of two medical psychiatrist, two psychologist and one of the professors of the school. The School of Magistrates establishes a ranking list of the applicants in accordance with the exam results and publishes the adopted list by the 15th of May each year, by indicating in the list also the maximum number of candidates admitted to the initial training, in accordance with the decision of the Councils.

(2022): a combination of both (competitive exam and working experience)

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): The Law on State Prosecutor's Office defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:

-grade given in the performance evaluation

- interview evaluation grade

(2022): Law on State Prosecutor's Office, Article 57 - Advertising vacancies:

Vacant posts of state prosecutors in basic state prosecutor's office shall be filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecutor's office to another.

If a vacant post of the state prosecutor is not filled in according to paragraph 1 of this Article, state prosecutors in basic state prosecutor's offices shall be elected on the basis of a public advertisement. Vacancies of the state prosecutors in the basic state prosecutor's 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 based in Montenegro.

(2020): The Law on State Prosecutor's Office 2015 defines the procedure of election of state prosecutors in detail. Vacant posts of state prosecutors in basic state prosecution office are filled in on the basis of the internal advertisement for voluntary reassignment of state prosecutors from one basic state prosecution office to another. If a vacant post of the state prosecutor is not filled, state prosecutors in basic state prosecution offices shall be elected on the basis of a public advertisement.

Vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro are advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Criteria for election of the state prosecutor to be elected for the first time: 1) the grade given in written examination, i.e. the Bar examination grade given in line with the law regulating the Bar examination, 2) the grade given in the candidate interview. Criteria for promotion of the state prosecutor:

- grade given in the performance evaluation
- interview evaluation grade

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Criteria for promotion of the state prosecutor:

- grade given in the performance evaluation
- interview evaluation grade

North Macedonia

(General Comment): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. 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.

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

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

(2020): According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except State Public Prosecutor are appointed by the Council of public prosecutors. Public prosecutor in a basic public prosecutor's office may be a person who has completed training determined by the Law on the Academy for Judges and Public Prosecutors.

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

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1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,

Serbia

(General Comment): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected by the Parliament public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Juridical Examination, and is worthy of the office of a public prosecutor. In addition to the general requirements, the person must have experience in the legal profession after passing the Juridical Examination, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Public Prosecutor and eleven years for the Deputy Public Prosecutor. Evaluation of the previous work is performed, and programs aimed at improving the work of public prosecutors' offices are presented. For candidates who are not from the public prosecutor services or the court services, a written exam must be passed.

(2019): In accordance with the Law on Public Prosecution, a citizen of the Republic of Serbia may be elected as a public prosecutor and deputy public prosecutor if he/she fulfils the general requirements for employment in government authorities, is a law school graduate with a passed Bar Exam, and is worthy of the office of a public prosecutor. In addition to general requirements, the person must have experience in the legal profession after passing the Bar Exam, as follows: - four years for a basic public prosecutor, and three years for a deputy basic public prosecutor; - seven years for a higher public prosecutor, and six years for a deputy higher public prosecutor; - ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction; - twelve years for the Republic Prosecutor and eleven years for Deputy of Republic Prosecutor. In the process of proposing candidates for the election of deputy public prosecutors for the first time, the SPC applied the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates when proposing deputy public prosecutors elected for the first time ("Official Gazette of the Republic of Serbia", No. 80/16. Furthermore, at the session of the State Prosecutorial Council held on 7th of September 2017 the new Rulebook on the program and rules for taking the exam for the assessment of qualifications and competencies of candidates for the first election to the position of a deputy public prosecutor was adopted ("Official Gazette of the Republic of Serbia", No. 82/2017, from 8th of September 2017). Provisions of the new Rulebook define program and rules for taking the anonymous exam, as well as criteria for assessment of qualification and competencies of a candidate. The Rulebook is in line with Article 77a of the Law on Public Prosecution Office, and it stipulates that candidates who passed initial education at the Judicial Academy do not need to take the exam, conducted by the examination commission of the State Prosecutorial Council. The Rulebook foresees transparency of the election procedure also by setting the obligation to post the exam results at the Council web page. According to Law on Public Prosecution Office, SPC has a competence to elect first-time deputy prosecutors to a permanent function, after a three-years period. Regarding election of deputy public prosecutors to a higher position (promotion) and election of public prosecutors/heads of public prosecutor's offices, according to the Law on Public Prosecution Office, SPC is obliged to conduct election process in accordance with the Rulebook on criteria and measures for evaluation of professionalism, competence and worthiness of the candidates in proceedings of proposing and election of holders of public prosecutorial function (adopted on 14th May 2015.)

Kosovo*

(General Comment): Firstly, the recruitment commission reviews all application. All applicants who meet the general criteria defined by KPC legislation, are invited to written exams. The evaluation of candidate is divided in three phases. First, a general qualifying exam containing questions (multiple choice) from Criminal Law (material & procedural), and also questions from professional ethic and human rights fields, is held. Candidates should score at least 45 out of maximum 60 points in order to pass the exam. The results are published in the KPC web page. This exam is used only to qualify for the next stage (as a filter) and its results do not count in the overall result. Candidates who pass the first general written exam, will be invited to another written exam which consists of two practical cases. There is a maximum of 3 hours per each case. Each candidate is required to score at least 40 out of 60 points (each exercise has 30 points) in order to pass the exam. All candidates are notified with their results while the final list of candidates who have passed the exam is published in the web page of KPC. After the second phase of recruitment is completed (including appealing period), there will be an integrity check of candidates before being invited to interview. The integrity check is focused on information regarding candidates' work experience, performance in previous job and candidates' criminal past, in cases when the recruitment commission notices an inconsistency/discrepancy or incompatibility in the information provided by candidates in their application. Then, the interview is held. A candidate can score a maximum of 40 points in the interview. After the interview, preliminary results with a combination of results from written exam and interview are published in the KPC web page. A candidate is considered to have successfully passed the recruitment process if he/she has scored a minimum of 60 points in total and is ranked within the number of vacancy positions as defined by KPC in the call for application. Candidates can appeal each result, starting from the qualifying exam, with three days after the results are published.

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Question 112

Albania

(General Comment): In addition to the above criteria, in the Law “On the status of judges and prosecutors”, as amended, it is stipulated that candidates must meet other criteria such as:

- the lack of disciplinary measures in force;
- should not be members of political parties in the at the time of candidacy;
- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent.

(2022): Related to the “age” criteria to become a prosecutor, in the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, there is no any criteria related to the age of the candidates to enter the exam and then, accepted in the Initial Forming program of the Judicial Academy. Each person, who fulfill the legal criteria, despite of his age, may enter the exam and be graduated in the Judicial Academy, to become a prosecutor.

The criteria related to “Clean criminal record” means that, candidates should have not been convicted by a final criminal decision for a criminal offense that, due to the nature of the offense committed, discredits the position and image of the judge or prosecutor or seriously damages the public's trust in the judicial system, regardless of whether he has been rehabilitated according to the provisions of the Criminal Code. Also “Other” legal criteria are: The candidate should have not been removed from office or his license, authorization or permission to practice a profession has not been revoked for disciplinary reasons, regardless of whether the disciplinary measure is considered extinguished, and there is no disciplinary measure in force; is not a member of political parties at the time of candidacy; was not a member, associate or beneficiary of State Security prior to 1990; and, was not a collaborator, informant, or secret service agent (Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

(2021): According to the Law no. 96/2016, “On the status of judges and prosecutors in the Republic of 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 has been rehabilitated.

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- they must not be a member or associate of State Security prior to 1990 and;
- have not been an associate, informant, or intelligence agent

Bosnia and Herzegovina

(General Comment): Clean criminal record: During the appointment procedure consideration shall also be given to circumstances relevant for the evaluation of candidate suitability, such as information concerning any previous disciplinary offences, previous criminal convictions and other circumstances that may deem a candidate unsuitable to hold judicial office. The candidate in the application form must reply to the following question: Have you been convicted of a felony or been found responsible for a misdemeanor offense or been found responsible for disciplinary offense? Also, the candidate is required to submit as an attachment to the application form an official court document confirming that there is no pending criminal proceedings against him or her.

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, through the appointment procedure determine the ability of the candidate with criminal record to perform the prosecutorial function.

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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.

(2022): The competent authorities issue relevant documents confirming that no criminal record of convictions or no criminal proceedings are being conducted against the candidate.

(2019): That no criminal proceedings are conducted; a medical certificate of fitness; that the candidate for the state prosecutor receives grade "satisfactory" at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution)

"Clean criminal record"- Certificate that criminal proceeding is not active against the person filing application.

"Other" - Certificate of Citizenship of Montenegro; Certificate on Health Capability.

North Macedonia

(General Comment): Law on 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.

(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

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(5) When sentencing on probation, the court may determine that such probation shall be revoked should the offender violate the prohibition from performing profession, activity or duty.

Serbia

(General Comment): In the Republic of Serbia, a public prosecutor is a holder of a prosecutorial function who is 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 prosecutors (deputies) and not to public prosecutors who are being appointed as a chief of public prosecutorial offices. 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.

Article 76 of Law on Public Prosecutor's Office

A citizen of the Republic of Serbia who meets the general requirements for working in state bodies, who has graduated from law school, passed the bar exam and is worthy of the office of public prosecutor can be elected as public prosecutor and deputy public prosecutor.

(2021): 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): The clean criminal record is defined as follows: “have not been convicted of a criminal offence;”

Other criteria include: be a citizen and resident of Kosovo; and have high professional reputation and personal integrity

As I have explained in the previous section, Kosovo Prosecutorial Council and Kosovo Judicial Council are two independent institutions of the Rule of Law Sector. Therefore, they have both internal specific regulations which define the criteria for becoming a judge or prosecutors. So, KPC and KJC are fully competent to define the criteria independently.

(2022): Regarding clean criminal record, the criteria specified by law is “not have been convicted of a criminal offence;”

Regarding “Other”:

- Be a citizen of the Republic of Kosovo;
- Have high professional reputation and personal integrity;

(2021): Regarding clean criminal record, the criteria specified by law is “not have been convicted of a criminal offence;”

Regarding “Other”:

- Be a citizen of the Republic of Kosovo;
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Question 113

Albania

(2019): .

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(General Comment): The jurisdiction for selection of prosecutors and heads of prosecution offices is under the Prosecutorial Council. The Prosecutorial Council establishes the plan of vacated positions, announces the public call, receiving applications conducts the written testing procedure, performs the interview with the candidates, making decision on selection etc.

(2019): Prosecutorial Council

North Macedonia

(General Comment): The entrance exam is taken before the Commission for an entrance exam. The Commission is composed of a chair and nine members and their deputies for a term of two exam sessions. The Managing Board appoints and constitutes the Committee: four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the Republic of Macedonia, a member and the deputy of the Association of Public Prosecutors, one member and deputy on the proposal of the Minister of Justice from the managing administrative staff at the Ministry of Justice and a member and the Deputy and professional - psychologist. For the President, members and deputy members of the Commission may be selected judges and prosecutors, as well as senior administrative officers of the Ministry of Justice in previous professional career is distinguished by its professionalism, ethics, proven results and that enjoy high reputation in judiciary. President of the Commission, the Management Board elected from among the judges and public prosecutors.

The members and alternates of the Board, the Programming Council, the Commission for the final examination, the director of the Academy, as well as trainers and mentors at that time engaged in initial training, cannot be members of the Commission. Member of the Commission may not be the chair or the members of the Judicial Council of the Republic of Macedonia or the Council of Public Prosecutors, the Minister and the Deputy Minister of Justice.

The Management Board shall be the managing body of the Academy and shall be composed of nine members. Four members and their deputies in the Management Board shall be proposed by the Judicial 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 Higher Administrative Court. Four members and their deputies in the Management Board shall be proposed by the Council of Public Prosecutors in this manner: one member from the ranks of the public prosecutors in the Public Prosecutor's Office of Republic of Macedonia, from the higher public prosecutor's offices, from the basic public prosecutor's offices, and from the public prosecutor's office for organized crime and corruption. The Minister of Justice shall appoint one member and his deputy from the senior administrative officials in the Ministry of Justice. The director of the Academy (hereinafter referred to as: the Director) without the right to vote, shall participate in the work of the Management Board.

(2021): Entry selection procedure is conducting by the Commission for entering exam which is formed by the Management board of the Academy for judges and public prosecutors. Commission is composed by four members and their deputies on a proposal of the Judicial Council of the Republic of Macedonia from the ranks of judges, two members and their deputies on a proposal of the Council of Public Prosecutors Macedonia from the ranks of public prosecutors and one deputy member of the Association of Judges of the 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.

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Serbia

(General Comment): State Prosecutorial Council is competent institution for advertising competition for selection, interview procedure, deciding and publishing the decision (on official website) with the list of suggested candidates. The suggestion then goes to the National Assembly and only if it passes, the candidates are officially appointed to be deputy public prosecutors.

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. The Law on Public Prosecutor's Office: The National Assembly, on the proposal of the State Council of Prosecutors, elects as deputy public prosecutor a person who is elected to this position for the first time for a period of three years.

The State Council of Prosecutors proposes to the National Assembly one candidate for the position of Deputy Public Prosecutor.

The State Council of Prosecutors elects deputy public prosecutors for permanent performance in the same or another public prosecutor's office.

The State Council of Prosecutors also decides on the election of deputy public prosecutors who are on a permanent position in another or more public prosecutor's offices.

The number of deputy public prosecutors for each public prosecution is determined by the State Council of Prosecutors, with the prior consent of the minister responsible for justice.

(2020): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor.

(2019): For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the 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

(2022): The recruitment committee established by the Council.

Question 114

Montenegro

(General Comment): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro

(2019): In accordance with art. 57 par. 3 of the Law on State Prosecution Service, vacancies of the state prosecutors in the basic state prosecution offices on the level of Montenegro shall be advertised by the Prosecutorial Council in the Official Gazette of Montenegro and in one of the printed media with the headquarters in Montenegro.

Serbia

(General Comment): Law on Public Prosecutor's Office:

Election advertising

Article 78

The election of public prosecutors and deputy public prosecutors is announced by the State Council of Prosecutors.

The advertisement is published in the "Official Gazette of the Republic of Serbia" and other means of public information covering the entire territory of the Republic of Serbia.

Submission of applications

Article 79

Applications are submitted to the State Council of Prosecutors within 15 days from the date of publication of the advertisement.

With the applications, evidence of the fulfillment of the conditions for selection, if they are not already in the public prosecutor's office, is submitted.

Obtaining data and opinions

Article 80

The State Council of Prosecutors obtains data and opinions on the expertise, competence and worthiness of candidates.

Data and opinions are obtained from authorities and organizations where the candidate worked in the legal profession.

Interview with candidates

Article 81

Before making a decision on the selection, the State Council of Prosecutors conducts an interview with the registered candidate

(2020): The Council is making a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant.

The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the “Official gazette of the Republic of Serbia” and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to the State Prosecutorial Council within 15 days from the day of the announcement of the vacancy. Along with the application, evidence on meeting the election conditions are being submitted, if they are not already at the public prosecution office.

(2019): The State Prosecutorial Council makes a decision on announcing the election at least six months prior to expiration of the tenure of a public prosecutor, and three months from the day when a deputy public prosecutor position became vacant. The election of public prosecutors and deputy public prosecutors is being announced by the State Prosecutorial Council. The announcement is being published in the “Official Gazette of the Republic of Serbia” and other sources of public information with the coverage of the entire territory of the Republic of Serbia, as well as at the Council webpage. The applications are being submitted to 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

(General Comment): According to Article 29, of the Law “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

(2022): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, as amended, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial and High Prosecutorial Council, and in at least in one of the newspapers with higher printing in the country.

(2021): According to Article 29, of the Law no. 96/2016, “On the status of judges and prosecutors”, the call for admissions of candidates for prosecutors in the Judicial Academy (School of Magistrates) is published in the official website of the High Judicial/Prosecutorial Council, School of Magistrates and in at least in one of the newspapers with higher printing in the country. The candidates for prosecutors should submit in the School of Magistrates, the necessary documents within February of each year.

Serbia

(2020): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office.

The Law on the Public Prosecution Office stipulated general and special conditions for the election of public prosecutors and deputy public prosecutors.

(2019): Criteria for election of public prosecutors and deputy public prosecutors are being stipulated by the Law on the Public Prosecution Office ("Official Gazette of the Republic of Serbia, No 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court). 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

(2022): The criteria are announced as part of the public call and they are also specified in the Law on State Prosecutor which is published online.

(2019): The criteria are also specified in the Law on State Prosecutor which is published online

Question 116

Albania

(General Comment): According to Article 30/4, of the Law "On the status of judges and prosecutors", as amended, the School of Magistrates, within March of each year publish on its website, the pre-selected list 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 candidates who participate in the competition.

(2019): The list of pre-selected candidates is published on the internet. The list is available only to the candidates who participate in the competition.

Serbia

(2020): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness determined by the State Prosecutorial Council, according to the Law.

The rank list is publicly available, i.e. it is being posted on the State Prosecutorial Council webpage.

(2019): When proposing and electing the candidates for prosecutorial position, the State Prosecutorial Council is composing a rank list of candidates based on qualification, competence and worthiness of candidates, in line with criteria and standards for evaluation of qualification, competence and worthiness 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

(General Comment): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended. The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law “On Governance Institutions of the Justice System” and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court.

(2019): The process of preliminary assessments is conducted as follows: By 15 March each year, the School of Magistrates carries out a preliminary assessment as to whether the applicant satisfies the application criteria as provided in the law. The School of Magistrates shall submit to the Councils the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The School of Magistrates shall adopt the final assessment report by taking into account the comments and objections received and shall publish the final assessment report on its official website, including the list of applicants who fulfill the criteria. As for the appeal, the law provides that any applicant, who is not included in the list of applicants meeting the criteria, shall have the right to exercise the legal remedies of appeal foreseen by the Law "On Governance Institutions of the Justice System" and in the respective bylaw acts. Law on governance institutions does not provide as specific rule on the appeal of the applicant. Therefore, general rule of appeal are applicable. Hence, the appeal is submitted at the first instance administrative court

Montenegro

(General Comment): Art. 64 of the Law on State Prosecution Service: "Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

(2019): Art. 64 of the Law on State Prosecution Service:

"Rights of Applicants

Article 64

In the period of 15 days from the day on which the decision on assignment of candidates to the offices of the state prosecutors was rendered, every person who applied to the advertisement for election of the state prosecutor in the basic state prosecution offices shall be entitled to make an insight into the documents, written tests and grades of persons who applied for the advertised vacancy.

Persons referred to in paragraph 1 of this Article can initiate an administrative dispute against the decision of the Prosecutorial Council referred to in Article 63 paragraph 1 of this Law."

Serbia

(2020): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in written to the Council within three days from the day of posting the rank list on the Council webpage.

(2019): The Regulation on work of the State Prosecutorial Council is determining that all candidates have the right to make an objection to the rank list. The objection is being filed for violation of provisions of the Regulation regulating procedure of the election. The objection is being submitted in writing to the Council within three days from the day of posting the rank list on the Council webpage.

Question 118

Albania

(2022): We have checked “judicial academy” in the last version of the answers because the candidates who have taken the entry exam have the right to see/check their exam papers after making a request/complaint, when they do not agree with the result, at the Judicial Academy, in this case the School of Magistrates of Albania. The court option is checked because they can appeal against their results/score of the entry exam in court, if they choose to do so.

According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”, as amended.

(2021): According to Article 30/5, of the Law “On the status of judges and prosecutors”, as amended, each candidate which is not included in the pre-selected candidates list, has the right to appeal in accordance with the provisions of the Law “On the governance institutions of the justice system”.

(2020): Administrative Court of First Instance of Tirana

(2019): Administrative Court of First Instance of Tirana Judicial District

Montenegro

(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

(2022): Administrative court

(2021): Administrative Court

(2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia

(General Comment): Right of appeal

Article 88

(1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.

(2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.

(3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.

(4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.

(5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.

(6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.

(7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.

(8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.

(9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.

(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.

(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

Law on Academy for Judges and Public Prosecutors

II. BODIES OF THE ACADEMY

Article 10

Bodies of the Academy are the Management Board, the director, the deputy director and the Program Council.

Management board

Article 11

(1) The Management Board is the management body of the Academy and consists of 9 members.

(2) Four members and their deputies in the Management Board are proposed by the Judicial Council of Republic of Macedonia and one member each from the ranks of judges from the Supreme Court of The Republic of Macedonia, from the appellate courts, from the basic courts, as well as one member from the Administrative Court or from the Higher Administrative Court.

(2021): Law on Academy for judges and public prosecutors

Right of appeal

Article 88

(1) A 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) The 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.

(10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.

(11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.

The Management board is not different from the Board of Directors. For the composition on the Commission and the Management board please see comment on Q091.

(2019): Right of appeal

Article 88

- (1) Candidate dissatisfied with the resulting grade is entitled to appeal to the Commission for an entrance exam within 3 days from the date of announcement of the results on the official website and on the notice board of the Academy.
 - (2) Commission for entrance examination is obliged to decide on the complaint within 2 days from the date of receipt of the appeal at the Academy.
 - (3) Against the decision of the Commission for the entrance exam, dissatisfied candidate has the right to appeal to the Management Board within 8 days of receipt.
 - (4) The Management Board's decision on the appeal is taken within three days from the deadline for submission of appeals against the decisions of the Commission under Article 67 of this Law.
 - (5) At the meeting of the Board that considers the appeal, the chair of Commission or a member appointed by him also takes part without right to vote.
 - (6) The Board of Directors accepts by the conclusion or rejects the appeal of the candidate, and untimely appeals are rejected and a copy of the brief is submitted to the applicant.
 - (7) If the Board accepts the appeal of the applicant, it will oblige the Commission to again review also grading of the candidate's qualification test.
 - (8) Against the decision of the Board under paragraph (7) of this Article, dissatisfied applicant within three days of receipt may initiate an administrative dispute before the Administrative Court.
 - (9) Upon the lawsuit referred to in paragraph 8 of this Article, the Administrative Court shall decide within 5 days.
 - (10) Against the decision of the Administrative Court under paragraph 9 of this Article, an appeal may be sent to the Higher Administrative Court within three days of receipt of the decision of the Administrative Court.
 - (11) The Higher Administrative Court on appeal under paragraph 10 of this Article shall decide within 7 days of receiving the appeal.
- The Management board is not different from the Board of Directors. For the composition on the Commission and the Management board please see comment on Q091.

Serbia

(General Comment): Non-selected candidates may file Constitutional Appeal (It differs from the Appeal to the Constitutional Court explained in Article 57)

The decision of the Constitutional Court is final.

(2022): Constitutional Court

(2020): Forbidden or untimely objection to the rank list is being dismissed by the Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council is determining the final rank list of candidates. When the State Prosecutorial Council makes a decision on the election, then the candidate can file a lawsuit with the Administrative Court against the decision of the Council.

(2019): Forbidden or untimely objection to the rank list is dismissed by State Prosecutorial Council conclusion. The Council adopts the objection to the rank list if it is founded and it changes the rank list in line with the adopted objection. The Council rejects the objection to the rank list if it is unfounded. The decision on the objection to the rank list must be elaborated. After deciding upon the objection, the Council determines the final rank list of candidates. The State Prosecutorial Council decides on the complaint related to the rank list but the composition of members of the SPC at the two different sessions is not necessarily the same; it is only important that there is a quorum for decision making. The decision of the SPC shall become final and binding upon its confirmation in the proceedings on the raised objection or, if no objection was submitted, upon the expiry of the time limit for submitting the objection.

A candidate is entitled to file an administrative lawsuit (not bene: not an appeal) to the Administrative Court against the final decision of the SPC. Therefore, the institution competent to decide on the complaint (pre-lawsuit procedure) is the SPC but the body competent to decide on the administrative lawsuit is the Administrative Court.

Kosovo*

(General Comment): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. The appeal bench is the Kosovo Prosecutorial Council(KPC). All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

(2022): Article 29 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Right to appeal

The candidate, as a dissatisfied party, has the right to appeal, to oppose the process, regarding the violation of the rules, about the organization of the exam and the results of the qualifying test, written test, and oral interview, within three (3) days, from the day of the announcement of the results, on the basis of the notification made according to this Regulation. The complaint of the candidate according to paragraph 1 of this article, is reviewed by the Commission for Review of the Council, within five (5) days, from the day of the end of the complaint. In the event that the Review Committee, after evaluating the complaint, finds that violations of the rules regarding the organization of the qualifying test, written test, and oral interview, as defined by this Regulation, may take a decision to repeat the contested part of the exam. If the Review Committee decides to repeat the relevant part of the exam, the exam is organized within five (5) days, from the decision of the Review Committee. In this case, the Recruitment Commission will draft the new test, the results of which will be taken into consideration when compiling the final exam list. In case the Review Commission finds that technical errors have been made, in the case of calculating the points of the qualifying test, written test, essay and oral interview, while in the case of reviewing the complaint it is confirmed that the candidate is ranked in the group of candidates who have not passed the relevant part of the exam, that candidate will be included in the list of candidates who have passed that part of the exam. After reviewing the complaints for the qualifying test, the written test, and the oral interview, the Council shall compile the final list of the exam, as determined by this Regulation, which shall be published on the official website of the Council. A candidate who files a complaint has the right to access his test before filing a complaint.

(2021): Article 25 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in 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 candidates that have passed respective part of the Exam, then that candidate shall be included in the list of the candidates that have passed that part of the exam.
6. Following the review of the appals for qualification test, written test and interview, KPC shall publish the list, as set by Articles 15.2, 20.2, 24.4 and 24.5 of this Regulation, and the respective shall be considered the Final Exam List.

(2019): Article 25 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

The right on appeal

1. Candidates enjoy the right on appealing against the qualification test, written test and interview, in a deadline from three (3) days following the publishing of the results, as per announcement basis set by Articles 15.2, 20.2 and 23.3 of this Regulation.
2. Candidates` appeals as per paragraph 1 of this Article shall be reviewed by the KPC Review Committee in a deadline from five (5) days from the closure date of the appealing deadline. Please refer to question 141: The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion does not vote.

Question 119

Albania

(General Comment): Article 28, of the Law on the status of judges and prosecutors provides for the following selection criteria applicable to both judges and prosecutors:

All persons are entitled to apply to the School of Magistrates for admission to the initial training as a magistrate, as long as they fulfil simultaneously the following criteria:

- a) Have full capacity to act;
- b) Be an Albanian citizen;
- c) Have graduated with the minimum scoring as determined by the School of Magistrates the second cycle of university studies in law, with a diploma of “Master of Science” and have passed the state exam for jurists in Albania, or have graduated in law with the minimum points set out by the School of Magistrates in a European Union Member State and have been awarded an equivalent diploma, recognised under the rules for recognition of diplomas provided by law;
- ç) Have at least three years of full time active professional experience in the judiciary or the prosecution office, public administration, free legal professions or teaching in law faculties, or in any other equivalent position in the private sector or international organizations;
- d) Have never been criminally convicted by a final decision;
- dh) Have never been dismissed from office for disciplinary reasons and are not subject to a current disciplinary sanction;
- e) Not to be a member of political parties at the time of application;
- ë) Have not been a member, collaborator or favoured by the State Security before 1990;
- f) Have not been a collaborator, informant, or agent of any secret service.

Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates (Article 32, of the Law “On the status of judges and prosecutors”, as amended).

Lastly, as provided in article 32 of the status law, a student at the School of Magistrates can be appointed as a judge or a prosecutor if it fulfills 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.

(2022): The focus of the question, regarding the selection criteria of judges/prosecutors, is after the entry exam. After the entry exam, the selection is made only on the basis of the results/score they received in the exam. The criteria of work performance and experience are applied in the pre-selection phase of the candidates who apply to be registered to take the entry exam. Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the candidates for prosecutors who pass successfully the entry exam of the School of Magistrates, should pass positively the process of verifying the integrity and assets before they are accepted in the initial forming programme of the School of Magistrates. The verification process is carried out from High Judicial /Prosecutorial Council (Article 32, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended).

(2021): Except the fulfilment of the legal criteria provided in Article 28, of the Law “On the status of judges and 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 Republic of Albania”)

Bosnia and Herzegovina

(General Comment): The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

(2019): Other: The candidates who do not hold judicial office and who have applied for a public prosecutor position must take entrance exam and written test.

Montenegro

(General Comment): That the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).

(2019): That the candidate for the state prosecutor receives grade “satisfactory” at initial training (the practical part of the training is conducted at the Basic State Prosecutor's Office in Podgorica and the theoretical part is at the Center for Training in Judiciary and State Prosecution).

North Macedonia

(General Comment): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement, after a year of completion of the training.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.

(2019): Law on the Public Prosecutors Council

Election of a public prosecutor in the basic public prosecution offices

Article 37

(1) The Council shall elect a public prosecutor in a Basic Public Prosecution Office according to the rating and successfulness from the list of candidates delivered by the Academy for Training of Judges and Public Prosecutors who have responded to the job advertisement.

(2) If a candidate does not respond to three consecutive advertisements for election of public prosecutors, the candidate shall lose the established priority from the list of candidates of the Academy for Training of Judges and Public Prosecutors.

Serbia

(General Comment): Criteria for election of public prosecutors (heads of public prosecution offices) and deputy public prosecutors are stipulated by the Law on Public Prosecution Office, the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders, as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor.

1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position.

Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State

(2019): Criteria for election of public prosecutors (heads of public prosecution offices) and deputy public prosecutors are stipulated by the Law on Public Prosecution Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Law, 101/2011, 38/2012 - decision of Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of Constitutional Court, 117/2014, 106/2015 and 63/2016 - decision of Constitutional Court), the Rulebook on criteria and standards for evaluation of qualification, competence and worthiness of candidates during the procedure of proposing and electing prosecutorial position holders ("Official Gazette of the RS", No 43/2015 and 80/2016 - other Rulebook), as well as by the Rulebook on program and method of taking the exam for evaluation of qualification and competence of candidates elected for the first time for a deputy public prosecutor (Official Gazette of the RS, No. 82/2017 and 91/2018). 1. According to the Law on Public Prosecution Office for a public prosecutor and a deputy public prosecutor may be elected a citizen of the Republic of Serbia who fulfills the general requirements for employment in government authorities, who is a law school graduate with a passed Bar Exam, and who is worthy of the office of a public prosecutor.

A person may be elected public prosecutor and deputy public prosecutor if he/she, in addition to general requirements, has experience in the legal profession after passing the Bar Exam, as follows:

- four years for a basic public prosecutor, and three years for a deputy basic public prosecutor;
- seven years for a high public prosecutor, and six years for a deputy high public prosecutor;
- ten years for an appellate public prosecutor and a public prosecutor with special jurisdiction, and eight years for a deputy appellate public prosecutors and deputy public prosecutor with special jurisdiction;
- twelve years for the Republic Public Prosecutor and eleven years for Deputy Republic Public Prosecutor.

When electing deputy public prosecutors a differentiation should be made between election of deputy public prosecutors, elected for the first time for the period of three years, and election of deputy public prosecutors after the three-year term, for permanent position. Qualification and competence of candidates are being evaluated when electing deputy public prosecutors for the first time to the position in a public prosecution office. Qualification and competence of candidates are being evaluated at the exam organized by the State Prosecutorial Council. Success at the exam is being expressed by marks from 1 to 5. The candidate for a deputy public prosecutor elected for the first time for the position in a basic public prosecution office, who completed initial education at the Judicial Academy, does not have to take the exam organized by the State Prosecutorial Council, but as his/her standard for qualification and competence shall be taken final mark at the initial education at the Judicial Academy. The State Prosecutorial Council regulates program and method of taking of the exam for evaluation of qualification and competence of candidates. Therefore, for the deputy 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. 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. Qualification and competence are being evaluated in the first case, as stated above, while in the second case, when election to the permanent position, as well as when electing public prosecutors (heads of public prosecution offices), worthiness is being evaluated as well. When proposing and electing candidates for the prosecutorial position, the State

Kosovo*

(General Comment): Article 28 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors Preliminary results of the exam 1.The final result for the success of a candidate is calculated on the basis of the accumulation of points achieved in the qualifying test, written test, and oral interview. 2. After the completion of the evaluation process, the points are collected, the results are verified and the final list is prepared in order to announce the exam results. 3. The final results of the candidates who have successfully passed the exam are published on the official website of the Council. The notice for this will contain the name, surname and number of points achieved by the candidate, in the qualifying test, written test, essay, oral interview and total points. 4. A candidate is considered to have not successfully passed the prosecutor's exam, if he fails to obtain at least (55) points, from the final score of one hundred (100) points, as many as are possible, in the entire recruitment process. 5. The Recruitment Commission compiles the list of candidates, according to the points obtained in the exam. Candidates are ranked The law on state prosecutor, article 19 specifies: Candidates for appointment as a 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

(2021): Article 24 of Regulation no. 07 /2015 on state prosecutors` recruitment, exam, appointment and 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.
5. Final candidates` results that have successfully passed the exam shall be published on the KPC and SP website. Announcement shall contain name, last name and scores obtained by the candidate in the written test and interview.

Question 120

Albania

(General Comment): According to Article 32/2, of the “On the status of judges and prosecutors”, as amended, the process of verifying the integrity and assets of the candidates for prosecutors who pass successfully the entry exam, is realised from the High Prosecutorial Council who requests reporting from the competent institutions for the verification of integrity and assets and any other exceptional cause, from the High Inspectorate of Declaration and Control of Assets and Conflict of Interest, the prosecution offices, tax and customs administration bodies, the National Bureau of Investigation, state intelligence services, as well as any disciplinary body that has supervised the discipline in the previous employment relations of the candidates.

(2019): During January of each calendar year, both Councils, following a needs analysis, determine and publish the maximum number of candidate magistrates for admission to the initial training for the next academic year. The School of Magistrates receives applications for admission to the initial training by end of February of each year. By 15 March each year, the School of Magistrates shall carry out a preliminary assessment as to whether the applicant satisfies the application criteria. The School of Magistrates submits to the Councils (Judicial and Prosecutorial council depending on the preference of the applicant) the report of preliminary assessment outcome, together with the files of the application documents for each applicant. The Councils may deliver comments or objections not later than by end of March each year. The School of Magistrates adopts the final assessment report by taking into account the comments and objections received by each council and shall publish the final assessment report on its official website, including the list of applicants who fulfil the legal criteria.

Bosnia and Herzegovina

(General Comment): The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the 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.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

Montenegro

(2019): (Prosecutorial council)

Serbia

(General Comment): As stated at the question 119:

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,

(2021): 1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.

2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors, - election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors, - election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

(2019): As stated for the question 119:

1. For a deputy public prosecutor elected for the first time may be elected someone, who, in addition to general conditions, has legal profession work experience of at least three years after passing of the Bar exam, after that period that person may be elected for a deputy public prosecutor to a three-year term, and is being elected by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.
3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected. For the proposed candidates for the Republic Public Prosecutor, opinion of the competent National Assembly Board is being obtained. The Government is proposing to the National Assembly one or more candidates for election of a public prosecutor. With reference to the election procedure itself, it is being conducted by the State Prosecutorial Council: The election procedure encompasses: - procedure of proposing candidates for the first election of deputy public prosecutors, - election procedure of deputy public prosecutors, procedure of proposing candidates for the election of the Republic Public Prosecutor and public prosecutors, - election procedure for the permanent position of deputy public prosecutors elected for the first time.

The election procedure is composed of:

- announcing the election,
- form and content of the announcement,
- content of the application to the announcement,
- inspection of the completeness of the application,
- determination of qualification, competence and worthiness,
- interviewing the candidates,
- drafting the rank list,
- objection to the rank list,
- the Council deciding upon the objection to the rank list,
- form and content of the decision on proposal of the candidates for deputy public prosecutors elected for the first time,
- form and content of the decision on election of deputy public prosecutors,
- form and content of the decision on proposal of the candidates for election of the Republic Public Prosecutor and public prosecutors,
- special rules on election to the permanent position of deputy public prosecutors elected for the first time,
- form and content of the decision on election to the permanent position of deputy public prosecutors elected for the first time, - submitting the decision on the election.

Kosovo*

(General Comment): The competent authority is the Kosovo Prosecutorial Council

Question 121

Albania

(2019): Article 35 of the status law provides that the graduate shall be appointed magistrate, if she/he meets concurrently the following criteria:

- a) Having graduated from the School of Magistrates in the initial training with a score of at least 70% of the maximum reachable scores;
- b) Having achieved evaluation scores of at least "good" in each of the assignments during the professional internship in the third year of the initial training;
- c) Having passed the asset declaration and background check, carried out by the Councils in accordance with the provisions in paragraphs 2 to 6 of Article 32 of this Law.

Within the period of one month as of the date of the publication of the graduates' list the Councils shall:

- a) Appoint as magistrate, each person who appears in the graduates' list, who satisfies the criteria for appointment;
- b) Reject the appointment as magistrate to any person who appears in the graduates' list however, does not satisfy the criteria for appointment.

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by its competent sub-council .

The procedure of recruitment and selection of prosecutors is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in accordance with the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the

Rules of Procedure of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the Book of Rules on Entrance Exams and Written Tests for Candidates for Judicial Office in the Judiciary of Bosnia and Herzegovina. A public announcement of vacant positions in any prosecutor's office (regardless of the level) precedes the appointment of prosecutors, including chief prosecutors. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina in general does not distinguish the recruitment of new prosecutors from the promotion or transfer of prosecutors to different positions within the judiciary. Thus a public vacancy is applicable to both internal candidates (candidates who hold judicial office) and external candidates, who compete each other for the vacant position. However, certain aspects of selection procedure are different for internal or external candidates. Selection procedure may include entrance exams and written tests, depending on the status of the candidate. Entrance exams and written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions of prosecutors on any level. Written tests shall be carried out mainly for candidates who do not hold judicial office and who have applied for positions in highest prosecutors' offices, and who have previously passed the entrance exam. Results of the aforementioned tests are relevant for the establishing the competences of the external candidates. Competences of the candidates who are already prosecutors are established based on the performance evaluation.

All candidates have to be interviewed by the interview panel, which assesses the criteria regulated in the aforementioned Rules of Procedure. Candidates are ranked based on their success in the selection procedure. The points received according to the competence criterion (results of entrance exam/written test or performance evaluation) are added to the points received at the interview and candidates are ranked according to the total points scored. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina appoints prosecutors from the list of successful candidates upon proposal of the relevant nomination sub-council (an internal committee within the High Judicial and Prosecutorial Council of Bosnia and Herzegovina). The decision on the appointment has to be reasoned.

(2019): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has a right to appoint some and reject some among the selected candidates. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina also has a right to appoint candidates that were not selected (proposed) by the competent its sub-council .

Montenegro

(2019): Prosecutorial Council

Additional information:

Which competences has this authority in the final appointment procedure (it is possible to select multiple options):

Only confirms all the selected (proposed) candidates

Has a right to appoint some and reject some among the selected (proposed) candidates Has a right to appoint candidates that were not selected (proposed) by the competent authority Other, please specify _____

State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, 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 prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)

North Macedonia

(2021): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.

(2019): Public Prosecutors Council has a right to appoint some and reject some among the selected (proposed) candidates.

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.

(2021): 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.

(2019): There is a difference in procedure for final appointment of a "first time" deputy prosecutor for a 3 year period and for a public prosecutor.

1. For a deputy public prosecutor elected for the first time to a three-year term – finally appointed by the National Assembly, based on proposal of the State Prosecutorial Council.
2. After the three-year term, the deputy public prosecutor is being appointed (elected) by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the first case.

3. When it comes to public prosecutors (heads of public prosecution offices), they are being elected by the National Assembly, based on the Government proposal, for the period of six years and he/she may be reelected.

The Parliament elects pp's and, in rare situations, can return the proposed list or a part of it to the SPC. The Parliament in this case does not provide only a formal confirmation of the candidates proposed by the authority which makes selection but has rather the second option ("Has a right to appoint some and reject some among the selected (proposed) candidates"). It is rare that there are two proposed candidates for one post. More often is the situation that the proposal is simply returned.

Kosovo*

(General Comment): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

(2022): Kosovo Prosecutorial Council establishes the recruitment committee which is responsible for all the procedures of the recruitment process of prosecutors. KPC establishes 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.

(2021): Kosovo Prosecutorial Council established the recruitment committee which is responsible for all the 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.

(2020): Other body: The President of the Republic of Kosovo

(2019): Kosovo Prosecutorial Council forms a recruitment committee which deals with all the procedures of the selection of prosecutors. KPC also establishes a reconsideration committee which deals with the appeals of the candidates who did not pass the exams or who were not selected. Based on the reports of these 2 committees, KPC decides on the final list of the successful candidates, which list is then sent to the President who decrees the new prosecutors

Question 121-1

Albania

(General Comment): As answered in the Questionnaire, in principle, the High Prosecutorial Council on the final appointment procedure has a right to appoint some and reject some among the selected (proposed) candidates. According the article 35, of the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, a graduate in the Judicial Academy, to be appointed as magistrate should fulfill these three criteria:

- a) be graduated in the Initial Forming Program of Judicial Academy with at least 70 % of the total possible points;
- b) is evaluated at least “good” on all the duties assigned during dhe professional experience in the third year of Initial Forming;
- c) pass again the verification of integrity and assets realized from the Council, in accordance with this law. Also, a graduate in the Judicial Academy, may ask for justified reasons, to be appointed in the following year.

Within a month after the publication of the list of graduates, the Council may:

- a) appoint as magistrate each person in the graduated list who fulfil the appointment criteria or refuse to appoint each person who is in the graduated list but doesn’t fulfil the appointment criteria
- b) allow the candidate who fulfill the appointment criteria to be appointed the following year.

Bosnia and Herzegovina

(General Comment): The relevant provisions of the Book of Rules, adopted by the High Judicial and 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 Article, a competition may be repeated also in the event that none of the proposed candidates i.e. candidates who have achieved the minimum results required for appointment, receive a majority vote as required for appointment or in the event that none of the candidates achieved the required results within the competition procedure. Article 61b (Nomination and Appointment to Managerial Positions) (11) If, after the presentation of the work programs, no candidate has received a majority vote required to render a decision on appointment, any member of the Council may propose any candidate who has the achieved the appropriate result required for appointment to present their work program at the subsequent session

Montenegro

(General Comment): State prosecutor candidates shall complete initial training that consists of theoretical and practical part and takes at least 18 months.

The Prosecutorial Council shall elect the state prosecutor candidate who was given the grade satisfactory in the initial training to the office of the state prosecutor in the basic state prosecution office he/she was assigned to. The right to a selection of the basic state prosecution office in which he/she will be assigned, candidate for state prosecutor exercises in order from the Ranking list from art. 62 of this Law.

The Prosecutorial Council shall make a decision on deployment to the basic prosecution office of elected state prosecutors based on the right to of candidate the election referred to in para. 2 above. (Law on State Prosecution Service)

Serbia

(General Comment): The Parliament can (it happens rarely) return the proposed list or a part of it to the SPC.

Kosovo*

(General Comment): Article 23 of Law on KPC

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

Montenegro

(2019): Note: the candidate has the right to file an action with the Administrative Court.

Kosovo*

(General Comment): Candidates can appeal during all phases of the selection and recruitment process, however they can not appeal the decree of the President.

(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

(General Comment): According to article 192/1, of the Law “On the governance institutions of justice system”, as amended, for the individual administrative acts of the Council such as a refusal to appoint a graduate as a prosecutor an appeal may be submitted in the Administrative Court of Appeal within 15 days from the notice.

(2020): Decisions of the Council to reject the appointment of the can be challenged in the First Instance Administrative Court.

(2019): Decisions of the Council to reject the appointment of the can be challenged in the First Instance Administrative Court.

Montenegro

(General Comment): The candidate has the right to file an action with the Administrative Court.

(2022): Administrative court

Serbia

(2022): Non-selected candidates may file Constitutional Appeal to the Constitutional Court.
The decision of the Constitutional Court is final.

(2019): Lawsuit before the Administrative Court.

Kosovo*

(General Comment): Non selected candidates have the right to appeal to the Basic Court.

(2019): Non selected candidates have the right to appeal to the Basic Court.

Question 124

Albania

(2021): According to Articles 32 and 35/1, of the Law “On the status of judges and prosecutors”, as amended, the High Prosecutorial Council carries out the process of verifying the integrity of the candidates who passed successfully the entry exam before they are accepted in the initial formation programme at the School of Magistrates and of the graduated students in the School of Magistrates before they are nominated magistrate and appointed in the position of a prosecutor.

The audit includes reporting by the institutions responsible for verifying the integrity such as the prosecution, state intelligence services, and any disciplinary body that has overseen discipline in the candidate's previous employment relations (above mentioned).

Bosnia and Herzegovina

(2022): The integrity of candidate prosecutors is checked at the interview conducted with candidates and through the information which candidates submit in the application form.

(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.

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

(2022): Integrity test is part of the entering exam on the Academy for judges and Public Prosecutors.

(2021): The integrity is not checked in the process of election on the candidate for prosecutors. Only there is integrity test as a part of the entering exam on the Academy for judges and public prosecutors for election on the initial training participants.

Kosovo*

(General Comment): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops 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.

Candidates have the right to be informed and to view all documentation collected prior to the interview.

(2022): The Kosovo Prosecutorial Council, based on the Constitution and applicable law, develops 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.

Candidates have the right to be informed and to view all documentation collected prior to the interview.

Article 25 of Regulation no.02/2022 on the recruitment, examination, appointment and reappointment of prosecutors

“The process of verifying the personal and professional integrity of the candidate”

Question 125

Albania

(General Comment): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when: - the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function; - dismissal; - when is established the fact of inability to perform the duty.

(2022): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, as amended, the prosecutors mandate may terminate also in cases when: the prosecutor is resigned; when are established conditions of ineligibility and incompatibility in the exercise of function; reaches the age of old-age pension, according to the provisions of this law; is dismissed from the function for disciplinary responsibility; when is established the fact of inability to perform the duty.

(2021): According to Article 64/1, the Law “On the status of judges and prosecutors in the Republic of Albania”, 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.

(2020): Retirement age: 67

(2019): According to the Law “On the status of judges and prosecutors”, as amended, the prosecutors mandate may terminate also when:

- the prosecutor is resigned; - when are established conditions of ineligibility and incompatibility in the exercise of function;
- dismissal or;
- when is established the fact of inability to perform the duty.

Bosnia and Herzegovina

(General Comment): Pursuant to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the mandatory retirement age for prosecutors is age seventy (70). According to the Law, the disciplinary measure of dismissal shall only be used in cases where a serious disciplinary offence is found and the severity of the offence makes it clear that the offender is unfit or unworthy to continue to hold his or her office. A prosecutor is entitled to resign from office. He/she can be removed from office if it has been proven by the medical documentation that he/she has permanently lost the working capacity to perform his/her judicial or prosecutorial function.

Montenegro

(General Comment): The function of the state prosecutor is permanent. Exceptionally, a person elected for the 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 expires; 2) his prosecutorial function ceases; 3) request it himself or in the case of abolition or merger of state prosecutor's offices. ,

(2019): The function of the state prosecutor is permanent. Exceptionally, the person who is elected for the first time as State Prosecutor is elected for a period of 4 years. The Supreme State Prosecutor and the heads of State Prosecutors' Offices are elected for a period of five years. The Head of the State Prosecutor's Office and the State Prosecutor shall be dismissed from office if they are sentenced by a final judgment to a unconditional prison sentence. The dismissal is pronounced for the most serious disciplinary offences: 1) if he is convicted of an offence that makes him unworthy of performing his duties; 2) if he performs the prosecutorial office unprofessionally and unconscientiously. State prosecutor's function ceases: 1) upon the expiry of the term of office 2) resignation; 3) fulfilment of requirements for for old-age pension; 4) termination of citizenship. The head of the state prosecutor's office ceases when: 1) upon expiry of the term of office he/she is elected to; 2) if his function of the state prosecutor is terminated 3) upon his/her request or due to closing or merging of state prosecution offices

North Macedonia

(General Comment): The official age of 64 years is new compulsory age for retirement in North Macedonia, according to the new amendments in article 104 of the Labour Relation law. Judicial Council on 1 July 2022 adopted a Conclusion for termination of the judicial office of 42 judges due to this new condition for age retirement.

(2022): The official compulsory age of retirement is 64 years (see general comment). As a right to gender equality, women can choose the age between 62-64 for retirement.

(2019): Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility for both to be extended to 67 years.

Serbia

(General Comment): The tenure of public prosecutors (heads of offices) is limited to 6 years and is re-electable. The tenure of deputy public prosecutors (who are also holders of public prosecutorial function) is permanent, until meeting conditions for retirement at the age of 65 (or on completing 40 years of pensionable years of service), but the tenure could expire earlier by dismissal, upon personal request, when labour capability is permanently lost or, on the contrary, it can be extended for two another years, i.e. until 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.

(2019): Public prosecutors (heads of public prosecution offices) elected for a defined tenure.

Kosovo*

(2022): 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

(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

Montenegro

(2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

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.

(2019): Tenure of office of a Deputy Public Prosecutor elected to that function for the first time shall last three years, but there is no a probation period for Public Prosecutors. The trial period is related only to deputy public prosecutors.

Question 127

Montenegro

(General Comment): Prosecutorial Council

(2022): The mandate of the prosecutors that are selected for the first time lasts for 4 years, after which they have the right to apply for a permanent position if they satisfied criteria during the initial 4 year term period.

(2019): Prosecutorial Council

Serbia

(2020): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

(2019): After the three-year term, the deputy public prosecutor is elected by the State Prosecutorial Council to the permanent position of a deputy public prosecutor, and not by the National Assembly, as in the case of first election.

Kosovo*

(General Comment): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

Reappointment of State Prosecutors

- 1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
- 2.The Decision of KPC regarding the reappointment or non-reappointment of a Prosecutor shall be in place within forty-five (45) days following the receipt of the recommendation by the Performance Assessment Committee; and the respective shall be done in accordance with the criteria and procedures stipulated by the legislation in force.
- 3.KPC shall inform the Prosecutor regarding the reappointment process through a justified Decision in written.
- 4.Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
- 5.KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

(2022): Article 37 of Regulation no.02/2022 on the recruitment, examination, appointment and

reappointment of prosecutors

Reappointment of State Prosecutors

1. The Commission for Performance Evaluation submits to the KPK the recommendation for the evaluation of the performance of the prosecutors for the initial mandate, the reasoned recommendation for the reappointment or not of a prosecutor. 2. KPC decides on the reappointment or not of the prosecutor within forty five (45) days after receiving the proposal from the Commission for Performance Evaluation, in accordance with the criteria and procedures set by applicable law. 3. The Council sends the name of the prosecutor proposed for reappointment with a permanent mandate to the President of the Republic of Kosovo, fifteen (15) days at the latest, before the expiration of the initial mandate. 4. The KPC notifies the prosecutor about the reappointment process through a reasoned written decision 5. Before submitting the proposals for reappointment, the KPC requests the opinion of the relevant prosecution in which the candidate has been proposed for reappointment. 6. KPC submits the proposal for reappointment of the respective prosecutor to the President of the Republic.

(2021): Article 36 of regulation 07/2015 on the process of recruitment

Reappointment of State Prosecutors

- 1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
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- 4.Before submitting reappointment recommendations, KPC shall request the opinion of the respective Prosecution at which was recommended the candidate to be assigned.
- 5.KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

(2019): Article 36 of Regulation 07/2015 on State Prosecutors` Recruitment, Exam, Appointment and Reappointment

Reappointment of State Prosecutors

- 1.The Performance Assessment Committee shall submit to KPC justified recommendation for reappointment or non-reappointment of a Prosecutor.
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- 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 at which was recommended the candidate to be assigned.
- 5.KPC shall submit the reappointment recommendation of the respective Prosecutor to the President of the Republic.

Question 128

Montenegro

(General Comment): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

(2019): In accordance with art. 40 par. 1 of the Law on State Prosecution Service, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Serbia

(2022): The Appeal to the Constitutional Court may be filed.

Question 129

Serbia

(2020): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

(2019): Public prosecutors have a mandate of 6 years, renewable. Deputy public prosecutors are elected for an unlimited period of time, after the probationary period.

6.Promotion - List of tables

Table 6.1.1 Authority competent for the promotion of judges in 2022 (Q132)

Table 6.1.2 Possibility to appeal the decision on the promotion of judges and body competent for the appeal in 2022 (Q135 and Q136)

Table 6.1.3 Procedure and criteria for the promotion of judges in 2022 (Q133 and Q134)

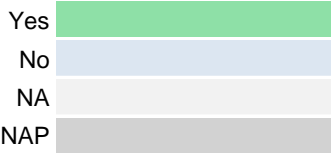
Table 6.1.4 Authority competent for the promotion of prosecutors in 2022 (Q137)

Table 6.1.5 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2022 (Q140 and Q141)

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2022 (Q138 and Q139)

Table 6.1.1 Authority competent for the promotion of judges in 2022 (Q132)


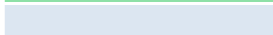
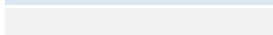
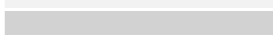
Beneficiaries	Authority competent for the promotion of judges				
	Parliament	Executive power	High Judicial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					



* This designation 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 2022 (Q135 and Q136)


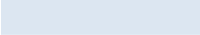
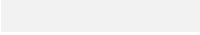
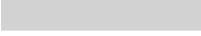
Beneficiaries	Judges						
	Possibility to appeal the decision on the promotion of judges	Body competent to decide on appeal					
		Parliament	Executive power	High Judicial Council	Court	Judicial Academy	Other body
Albania	Yes	No	No	No	Yes	No	No
Bosnia and Herzegovina	No	NA	NA	NA	NA	NA	NA
Montenegro	Yes	No	No	No	Yes	No	No
North Macedonia	Yes	No	No	No	No	No	Yes
Serbia	Yes	No	No	No	No	No	Yes
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 Procedure and criteria for the promotion of judges in 2022 (Q133 and Q134)

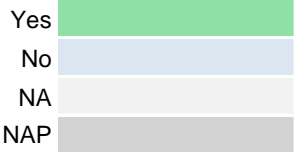
Beneficiaries	Procedure for the promotion of judges				Criteria used for the promotion of a judge					
	Competitive test / Exam	Previous individual evaluations	Other procedure (interview or other)	No special procedure	Years of experience	Professional skills (and/or qualitative performance)	Performance (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 6.1.4 Authority competent for the promotion of prosecutors in 2022 (Q137)

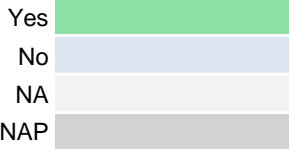
Beneficiaries	Authority competent for the promotion of prosecutors				
	Parliament	Executive power	High Judicial / Prosecutorial Council	Judicial Academy	Other body
Albania					
Bosnia and Herzegovina					
Montenegro					
North Macedonia					
Serbia					
Kosovo*					



* This designation 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 Possibility to appeal the decision on the promotion of prosecutors and body competent for the appeal in 2022 (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	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	Yes	No	No	No	No	No	Yes
Kosovo*	Yes	No	No	Yes	No	No	No



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

Table 6.1.6 Procedure and criteria for the promotion of prosecutors in 2022 (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)	Previous individual evaluations	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.

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

Q133 (General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, 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 Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

Q133 (2019): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established

by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

Q134 (General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) ‘Excellent’: in case of an ethical and professional performance of very high qualities; b) ‘Very good’: in case of an above average

ethical and professional performance c) ‘Good’: in case of an average ethical and professional performance; ç) ‘Acceptable’: in case of a below average ethical and professional

performance; d) ‘Incapable’: in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Q134 (2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) 'Very good': in case of an above average ethical and professional performance c) 'Good': in case of an average ethical and professional performance; c) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance.

Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Q136 (General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

Q136 (2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court.

The competent court is Tirana Administrative First Instance Court

Q138 (General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;

b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The 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 of judges and prosecutors”, as amended.

Q138 (2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.

With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation "For the promotion to the highest levels in Prosecution Offices of the general jurisdiction". According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.

Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation "On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction". High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. 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.

With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:

- a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
- b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
- c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
- d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
- e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
 - i. previous professional evaluations; and
 - ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

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.

Q138 (2019): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
 - b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;
- After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The Council reviews the applications and ranks eligible candidates by reference to the following indicators:

- a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;
ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the High Judicial Council;
- b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

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) 'Acceptable': in case of a below average ethical and professional performance;
- d) 'Incapable': in case of a poor ethical and/or professional performance.

Hence, during promotion, a prosecutor that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Q139 (General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

Q139 (2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
 - b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
- After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

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 of judges and prosecutors”, as amended. Also, 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. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

Q139 (2020): With Decision no. 200, dated 23.09.2020, High Prosecutorial Council approved the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. The purpose of this regulation is to define the criteria and procedures for the promotion of prosecutors in the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

Q139 (2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:
 - i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
 - ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- 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.

Q141 (2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council’s decisions, on an judge’s promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils’ decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court.

The competent court is Tirana Administrative First Instance Court

Bosnia and Herzegovina

Q133 (General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
- c) Deciding on appointment (HJPC).

More details on the procedure are available under Q89.

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- c) Deciding on appointment (HJPC).

More details on the procedure are available under Q89.

Q134 (General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Q134 (2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

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- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
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More details on the procedure are available under Q111.

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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:

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More details on the procedure are available under Q111.

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Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

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.

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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.

Other criteria for candidate ranking are checked in an interview.

Montenegro

Q133 (General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges

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 other minority ethnic community.

If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.

The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

Q133 (2019): On the basis of article 72-75 of the Law on Judicial Council and judges

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.

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Q134 (General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate.

Q134 (2022): Excerpt from the Law:

State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate

Q134 (2019): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate.

Q136 (General Comment): Administrative Court

Q136 (2019): Administrative Court

Q137 (General Comment): Prosecutorial Council

Q137 (2019): Prosecutorial Council

Q138 (General Comment): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and
- grade in the interview.

Q138 (2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.

In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.

Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

Q138 (2019): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and
- grade in the interview.

Q139 (General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.

Professional knowledge is evaluated based on the following sub-criterion:

1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:

1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

Q139 (2022): Law on State Prosecutor's Office Article 75

State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office 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 state prosecutor's office.

State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

Q139 (2019): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

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 prosecutorial staff and 4) participating in various professional activities.

Q140 (2019): Note: an action is filed.

On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

Q141 (General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

Q141 (2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

North Macedonia

Q133 (General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1) The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(...)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

Q133 (2021): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

- (1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.
- (2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Q133 (2019): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

- (1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.
- (2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Q134 (General Comment): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:
1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
 2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
 3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
 4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
 5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .
- (2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:
1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a 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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council Criteria for the election of a judge of a higher court Article 48

- (2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6) length of judicial service.

Q134 (2019): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Q136 (General Comment): Appeal Council in the Supreme court.

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 council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

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Q138 (General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.

The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.

With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public 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 and corruption.

Q138 (2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

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

Q138 (2020): With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

Q138 (2019): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

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

Q139 (General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; 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 the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

Q133 (General Comment): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the Official Gazette of the RS and the daily magazine Politica, 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 publicized, objective and uniform criteria and standards, in a single procedure ensuring the participation of the judge and/or president of the court whose performance is being evaluated. The criteria, standards, and procedure for the performance evaluation of judges and/or president of the courts are pursuant to the Law on Judges, Law on High Judicial

Q133 (2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC's Rules of Procedure) and published in the Official Gazette.

Q133 (2019): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council. 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), which is being applied as of 1st July 2015. Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC's Rules of Procedure) and published in the Official Gazette.

Q134 (General Comment): The criteria and standard in the proces of election of judges to another or higher court are prescribed by Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents (Art. 4): expertise shall include possession of theoretical and practical knowledge required to perform judicial function; competence shall imply skills which enable effective implementation of specific juridical knowledge in solving cases. The standard for assessing the expertise and the competence for the election of judges with permanent tenure to another or higher court shall be performance evaluation grade (results of work), in the last three years. Worthiness shall mean ethical qualities a judge should possess and behavior in accordance with those qualities. Worthiness of candidates shall be assumed

Q134 (2021): 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.

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Q136 (2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court).

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.

Q136 (2019): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Q137 (General Comment): RULEBOOK on criteria and measures for assessing the expertise, qualifications and dignity 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.

The grade of the conversation is expressed by points from 1 to 20.

Ranking list- Article 14

The Council compiles the ranking list of candidates for proposing and electing the Deputy Public Prosecutor after the conducted procedure, based on the sum of points.

If more candidates who hold public prosecutor's office achieve the same number of points, the candidate who has a longer experience after passing the bar exam has the advantage.

Q137 (2019): There is no special procedure for promotion of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the high prosecution office he/she has to go through the regular election procedure foreseen by the law, as stated in questions 119 and 120.

Q138 (General Comment): Interview with the registered candidate

Article 13.

Before making a decision on the selection, it is more important to talk with the registered candidate.

The purpose of the interview is to determine communication skills, readiness to perform the function of public prosecutor and professional integrity necessary for the position for which he is running.

The evaluation of the conversation is expressed in points from 1 to 20.

Ranking list

The Council compiles a ranking list of candidates for the nomination and election of the deputy public prosecutor after the procedure, based on the sum of points.

If several candidates holding the position of public prosecutor achieve the same number of points, priority is given to the candidate with longer experience after passing the bar exam.

If several candidates who are not holders of the public prosecutor's office and the candidate who performs the public prosecutor's office have the same number of points, the candidate who performs the public prosecutor's office has priority.

If several candidates who are not holders of the office of public prosecutor achieve the same number of points, the candidate with longer experience in legal affairs after passing the bar exam has priority.

The ranking list is published on the Council's website and notice board.

Q138 (2020): See answer to the previous question - 137.

Q138 (2019): See answer to the previous question - 137.

Q139 (General Comment): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors, performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the interview with the Commission, candidates are being ranked for the election (promotion).

Following that, the election procedure is the same. See the question 120.

Q139 (2019): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors ("Official Gazette, No. 58/2014), performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the 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.

Q141 (2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court).

Q141 (2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND 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:

The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

Q141 (2019): A candidate may file charges to the Administrative Court.

Kosovo*

Q132 (General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level, job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are to 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. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Q133 (2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, 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.

Q134 (2019): These criteria are specified in the Law on courts

Q136 (General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Q136 (2019): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Q137 (2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Q138 (General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and 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 proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

Q138 (2022): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.

Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors

<https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf>

Q138 (2019): Upon need, KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of KPC and State Prosecutor. KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

Q139 (General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

- 4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
- 4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least 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 of experience as a prosecutor, as well as based on performance assessment;
- 4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

Q139 (2022): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors

<https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf>

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- 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 of experience as a prosecutor, as well as based on performance assessment;
- 4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

Q140 (General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

Q140 (2019): The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion does not vote.

Q141 (General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

Q141 (2019): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published in the official website of KPC and SP.

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*

(General Comment): First, the Vacancy announcement is published by a KJC decision and posted on the KJC website and is displayed in notification board of each court. Announcement of vacancies contains relevant information for each position, including: number of vacancies for each level, job description for each position, criteria on qualification for each position, guideline for using the application, and deadline for submission of application. Then, application review panel is established, from the Appointment Committee (five judges, two of them are KJC members). The panel reviews all received applications and publishes on the official website the list of all candidates who meet the criteria for each position, while the candidates who are not shortlisted are be informed personally in a reasoned writing notice and they are given an opportunity to submit a request for reconsideration of his/her application within a deadline of five days. This is followed by 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. Unsatisfied candidates have the right to submit a request for reconsideration within five working days after receiving the notice.

Question 133

Albania

(General Comment): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure. - the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) Firstly, two previous evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under letter “a” paragraph 9 of this Article, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under letter “b” paragraph 9 of this Article, 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 Councils shall decide to promote the candidates ranking highest with the grades attained by a procedure and rules contained in paragraph 9 and 14 of this Article.

(2019): As per provisions of Law No 96/2016 “on the status of judges and prosecutors in the republic of Albania”, Art. 48, “Promotion to Higher or Specialized Levels” - the Council opens the promotion procedure by calling for applications - the call for applications is published on the website of the Council and it contains the necessary information for the vacancy - following a call for applications for a promotion, the candidate may apply for up to three vacant positions or positions expected to become vacant. - only applicants who have passed the asset declaration and background check and have no disciplinary sanction in force are allowed to participate further in the promotion procedure.

- the Councils reviews the applications and ranks eligible candidates by reference to the following indicators:

a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established

by the High Judicial Council;

b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
- c) Deciding on appointment (HJPC).

More details on the procedure are available under Q89.

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More details on the procedure are available under Q89.

Montenegro

(General Comment): On the basis of article 72-75 of the Law on Judicial Council and judges

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 other minority ethnic community.

If the advantage of a candidate may not be established in the manner referred to in paragraph 3 of this Article, the Judicial Council shall perform a draw.

The Judicial Council shall decide on the appointment of a judge to a higher court according to the order in the ranking list, as determined in accordance with paragraphs 3 and 4 of this Article.

(2019): On the basis of article 72-75 of the Law on Judicial Council and judges

Promotion of Judges

Conditions for Promotion

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North Macedonia

(General Comment): Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1) The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(...)

(3) If the candidate is from among the judges, the Council shall obtain an opinion from the court.

(4) The president of court on the base of the held session of judges shall deliver the opinion to the Council. (5) The manner of the candidates' ranking is regulated by the Council with a by-law. (6) The ranking will be done by the commission consisted of three members of Council selected by lot.

Decision on the selection of a judge Article 49

(1) The Council shall discuss and decide on the selection of a judge at a session, attended by at least eight members of the total number of members of the Council having voting rights. (2) The candidate that has won at least eight votes by the Council members having voting rights shall be selected a judge. (3) Each member of the Council having a voting right shall be obliged, at a session of the Council, to orally elaborate his decision regarding the selection of a judge. (4) The Council shall be obliged to inform every candidate about the decision on selection of a judge in writing. (5) The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

(2021): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

(2019): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 ;
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 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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council

Criteria for the election of a judge of a higher court Article 48

(1)The Council shall select a judge in an Appellate Court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of North Macedonia from among the candidates who have applied to the announcement and who meet the requirements and criteria anticipated by the Law on Courts and this Law in a manner that it shall rank the candidates that have applied according to the necessary specialization for filling a judge's position.

(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following

Serbia

(General Comment): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the Official Gazette of the RS and the daily magazine Politika, in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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 publicized, 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

(2021): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC's Rules of Procedure) and published in the Official Gazette.

(2019): The Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents, enacted by the HJC on 15th November 2016, provides that the High Judicial Council shall announce the election for judges in the "Official Gazette of the RS" and the daily magazine "Politika", in order to fill vacant judicial positions in courts in the Republic of Serbia. The Council shall then decide on the establishment of one or more committees consisting of three members from the ranks of judges - elected members of the Council.

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.

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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), which is being applied as of 1st July 2015.

Decisions of the HJC regarding the selection of judges to permanent judicial positions at the another or higher courts must be reasoned (based on the criteria outlined in the HJC's Rules of Procedure) and published in the Official Gazette.

Kosovo*

(2021): Kosovo Judicial Council, in accordance with Article 108 of the Constitution of the Republic of Kosovo, 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.

Question 134

Albania

(General Comment): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) 'Very good': in case of an above average

ethical and professional performance c) 'Good': in case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional

performance; d) 'Incapable': in case of a poor ethical and/or professional performance. Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

(2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

a) Firstly, two previous performance evaluations, taking into consideration that:

i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;

ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;

b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The law on the status of judges and prosecutors provides for the following evaluation levels of a magistrate:

a) 'Excellent': in case of an ethical and professional performance of very high qualities; b) 'Very good': in case of an above average ethical and professional performance c) 'Good': in

case of an average ethical and professional performance; ç) 'Acceptable': in case of a below average ethical and professional performance; d) 'Incapable': in case of a poor ethical and/or professional performance.

Hence, during promotion, a judge that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills.

Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. 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.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate.

(2022): Excerpt from the Law:

State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate

(2019): State prosecutor, i.e. judge shall be entitled to promotion to the state prosecution or court of a higher rank if given the grade excellent or good in the performance evaluation and if he/she meets the specific requirements stipulated for the election to that court.

State prosecutor, i.e. judge shall be entitled to promotion to the Supreme Court if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme Court.

Criteria for the selection of judges who are advancing are:

- 1) the performance of the judge or the state prosecutor;
- 2) ratings of the interview with the candidate.

North Macedonia

(General Comment): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:
1. A person who has completed the training at the Academy for Judges and Public Prosecutors, determined by the law, may be elected as a judge of a basic court;
 2. A judge of a basic court may be elected a person who has a working experience of at least four years of uninterrupted judicial service as a judge in another basic court up to the moment of the application for election, who has been assessed by a competent authority with a positive assessment, in accordance with the Law on the Judicial Council ;
 3. A person with a working experience of at least six years of continuous service as a judge in a basic court, Administrative or Higher Administrative Court up to the moment of the application for election may be elected as a judge of the court of appeal, who is assessed by the competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
 4. A person with a working experience of at least four years of continuous service as a judge in another appellate court up to the moment of the application for election may be elected as a judge of an appellate court, who is assessed by a competent authority with a positive assessment, in accordance with the law the Law on the Judicial Council ;
 5. A person with a working experience of at least six years of service as a judge in an appellate court up to the moment of the application for election may be elected as a judge of the Supreme Court and who is assessed by a competent authority with a positive assessment in accordance with the Law on the Judicial Council .

(2) Special conditions for election of a judge in the Administrative Court and the Higher Administrative Court are:

1. A person with a working experience of at least four years of uninterrupted judicial service as a judge in a 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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

Law on Judicial council Criteria for the election of a judge of a higher court Article 48

(2) The Council shall select as a judge the person of highest expert and professional qualities, with good reputation in exercising his judicial office, on the base of the following criteria: 1) expert knowledge and specialization in the field and participation in continuous training; 2) positive evaluation of his work 3) capability in verbal and written expression, which can be seen through prepared decisions and judiciary expert actions 4) undertaking additional work when performing judicial office by participating in procedures to resolve backlog of cases; 5) undertaking additional work when performing judicial office by means of mentorship, education, and alike; 6) length of judicial service.

(2019): The Law on the courts

Article 46

- (1) Special requirements for election of a judge to a Court of First Instance, Court of Appeal and the Supreme Court shall be as follows:^[1]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 requirements of Article 45 of this Law, may be elected a judge at all levels of the judiciary.

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

(2021): 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.

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Kosovo*

(General Comment): These criteria are specified in the Law on courts

(2021): Quantitative criteria (performance) relates to the number of cases solved.

(2019): These criteria are specified in the Law on courts

Question 136

Albania

(General Comment): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court. The competent court is Tirana Administrative First Instance Court

(2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court.

The competent court is Tirana Administrative First Instance Court

Montenegro

(General Comment): Administrative Court

(2019): Administrative Court

North Macedonia

(General Comment): Appeal Council in the Supreme court.

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 council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

(2019): The candidate who is not selected as a judge shall have the right to appeal in front the Appeal Council at the Supreme Court of the Republic of North Macedonia within a period of eight days as of the day of receipt of the information in a way and procedure prescribed by this law.

The Appeal Council in the Supreme court against a decision for election and promotion on judges is composed from five members and their deputies from the rank of the judges in the Supreme court. The members on this council are elected by the President of the Supreme court with the yearly working plan. This Council is responsible to decide only about submitted appeals by the judge against decisions on the Judicial council for election on a judge in a Basic court, promotion on a judge and election on a president of the court.

Serbia

(2022): The judge can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court).

(2021): Administrative court – An administrative dispute shall be initiated by a lawsuit.

(2020): Administrative Court – An administrative dispute shall be initiate by a lawsuit.

(2019): Administrative court – An administrative dispute shall be initiated by a lawsuit.

Kosovo*

(General Comment): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

(2019): Please refer to question 107: it is the same Commission competent to decide on appeal. The appeal body is a Commission with a 2 year mandate consisted of the chairman of KJC, and three other judges from court of Appellate and the Supreme Court (usually the head of Supreme & Appellate court).

Question 137

Montenegro

(General Comment): Prosecutorial Council

(2019): Prosecutorial Council

Serbia

(General Comment): RULEBOOK on criteria and measures for assessing the expertise, qualifications and dignity 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.

The grade of the conversation is expressed by points from 1 to 20.

Ranking list- Article 14

The Council compiles the ranking list of candidates for proposing and electing the Deputy Public Prosecutor after the conducted procedure, based on the sum of points.

If more candidates who hold public prosecutor's office achieve the same number of points, the candidate who has a longer experience after passing the bar exam has the advantage.

(2019): There is no special procedure for promotion of public prosecutors or deputy public prosecutors. If a public prosecutor applies for election of a public prosecutor at the higher instance, e.g. a public prosecutor at a basic public prosecution office applies for the election of a public prosecutor at the high prosecution office he/she has to go through the regular election procedure foreseen by the law, as stated in questions 119 and 120.

Kosovo*

(2022): The process is carried out by the Committee that is established by the Council and the final decisions is made by the Council upon the proposal of the Committee.

Question 138

Albania

(General Comment): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The 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 of judges and prosecutors”, as amended.

(2022): The specific comment made in this cycle for Q138, is different from the general comment, anyway The GENERAL comment is still valid. Also, in the end of the comment may be added: The promotion procedure at the highest levels of prosecution takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.

With Decision no. 222, dated 27.07.2022, High Prosecutorial Council approved the Regulation "For the promotion to the highest levels in Prosecution Offices of the general jurisdiction". According to this Regulation, the promotion procedure at the highest levels takes place in three stages, as follows: a) In the first stage is carried out the verification of the candidates for meeting the legal conditions of candidacy; b) In the second stage is taken the decision on the ranking of qualified candidates, and; c) In the third stage, is taken the decision to promote the candidate listed above others.

Also, with Decision no. 200, dated 23.09.2020, the Council has approved the Regulation "On the criteria and procedures for the promotion of heads of Prosecution Offices of the general jurisdiction". High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted: a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy; b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position. After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference. 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.

With the Decision no. 51, dated 19.03.2019, High Prosecutorial Council approved the "Regulation on the criteria and procedure for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime". According to this Regulation, the promotion in this prosecution follows this procedure:

- a) First, Ad-Hoc Commission perform an initial assessment of all candidates to determine if they meet the legal requirements for promotion to office as a special prosecutor.
- b) Then, the Commission proposes to the Council the disqualification of candidates who do not meet the legal requirements.
- c) The High Prosecutorial Council disqualifies any candidate who does not meet the legal requirements and announces the official list of candidates who continue the evaluation process.
- d) The Commission continues with the evaluation and conducts the interviews with the candidates. The Commission requests from public institutions any type of document important for the evaluation.
- e) The Commission uses documents and letters of motivation to make relevant proposals for the evaluation of candidates, based on:
 - i. previous professional evaluations; and
 - ii. special ethical and professional criteria. The Council also takes into account the candidate's personal and professional commitment as an expert.

(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.

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- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
- b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position;

After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

The Council reviews the applications and ranks eligible candidates by reference to the following indicators:

- a) firstly, two previous evaluations, taking account of: i) the experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before application shall be an added value;

ii) in case of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established

by the High Judicial Council;

- b) secondly, if under the evaluation made there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;

- c) thirdly, there are more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

The Council decides to promote the candidates ranking highest with the grades attained by this procedure and rules.

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) ‘Acceptable’: in case of a below average ethical and professional performance;
- d) ‘Incapable’: in case of a poor ethical and/or professional performance.

Hence, during promotion, a prosecutor that has two evaluations as excellent will be promoted vis-à-vis someone who has an evaluation as excellent and very good.

Bosnia and Herzegovina

(General Comment): Promotion can be achieved only through public competition procedure which is conducted by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Public competition for the vacant position of the judge, prosecutor, president of the court, chief prosecutor and deputy chief prosecutor is published in a daily newspaper and on website of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The procedure includes:

- a) Publishing competition procedure;
- b) Conducting interview with candidates;
- b) Ranking candidates in accordance with the criteria and making appointment proposal (Sub-council);
- c) Deciding on appointment (HJPC).

More details on the procedure are available under Q111.

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- 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.

(2022): Article 76 of the Law on State Prosecution Office applies to the promotion of prosecutors.

In the procedure of promotion vacant positions of the state prosecutors in High and Supreme state prosecutor's office shall be advertised according to the plan of vacant posts of the state prosecutors.

Provisions of Articles 57, 58 and 64 of this Law shall apply accordingly to the procedure of public advertisement, application and proceeding upon applications, as well as to the rights of the applicants.

(2019): According to the Plan of Vacant Prosecutorial Posts, a public advertisement for state prosecutors' posts for high and Supreme State Prosecutors Office is conducted through the promotion system.

Criteria for the election of state prosecutors:

- performance grade and
- grade in the interview.

North Macedonia

(General Comment): The Council shall elect public prosecutors in the Public Prosecution Office of the Republic of Macedonia, in the Higher Public Prosecution Offices and the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption from the list of candidates who responded to the advertisement and meet the conditions and criteria as provided by the Law on the Public Prosecution Office.

The Council shall discuss and decide on the election of public prosecutors on a session attended by at least two-thirds of the members of the Council. The candidate who wins the majority of votes from the total number of members of the Council shall be elected for a public prosecutor.

With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public 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 and corruption.

(2021): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

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

(2020): With the amendments on the Law on PPO from 2020, Chief Basic Public Prosecutor on the Basic Public Prosecution office for prosecution of organized crime and corruption is elected by all public prosecutors in the Republic of North Macedonia with voting on elections. After the elections, the Council of Public Prosecutors shall appoint that candidate from the list of candidates who won the majority of votes and who meets the requirements under the Law as a Basic Public Prosecutor of the Basic Public Prosecution Office for prosecution of organised crime and corruption.

(2019): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the appointed public prosecutors and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office.

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

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

Serbia

(General Comment): Interview with the registered candidate

Article 13.

Before making a decision on the selection, it is more important to talk with the registered candidate.

The purpose of the interview is to determine communication skills, readiness to perform the function of public prosecutor and professional integrity necessary for the position for which he is running.

The evaluation of the conversation is expressed in points from 1 to 20.

Ranking list

The Council compiles a ranking list of candidates for the nomination and election of the deputy public prosecutor after the procedure, based on the sum of points.

If several candidates holding the position of public prosecutor achieve the same number of points, priority is given to the candidate with longer experience after passing the bar exam.

If several candidates who are not holders of the public prosecutor's office and the candidate who performs the public prosecutor's office have the same number of points, the candidate who performs the public prosecutor's office has priority.

If several candidates who are not holders of the office of public prosecutor achieve the same number of points, the candidate with longer experience in legal affairs after passing the bar exam has priority.

The ranking list is published on the Council's website and notice board.

(2020): See answer to the previous question - 137.

(2019): See answer to the previous question - 137.

Kosovo*

(General Comment): Upon need, the KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of the KPC and State Prosecutor. The KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and 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 proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

(2022): This process is regulated with an internal Regulation. If necessary, the KPC decides on the announcement of an internal competition for the promotion of prosecutors, which is published on the web portal of the prosecutorial system. KPC establishes the commission for promotion and transfer of prosecutors which has the task to review applications and documents submitted based on the internal competition for transfer and promotion of prosecutors and based on the data provided by the Prosecution Performance Review Unit. After reviewing the data of all candidates, the Commission compiles the list with the names of all candidates who meet the criteria. The commission continues with the evaluation by interviewing all the candidates who have met the criteria. Then, the Commission drafts the final report with the list of candidates proposed to the Council for transfer or promotion based on their ranking according to the points earned. Prosecutors have the right to appeal against the final report of the commission within 7 days.

Articles 14 and 15 of Regulation 02/2021 on Transfer and Promotion of Prosecutors

<https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf>

(2019): Upon need, KPC makes a decision to open an internal announcement of prosecutors' promotion which is published on the official websites of KPC and State Prosecutor. KPC establishes the Commission for promotion and transfer of prosecutors which reviews all applications and documents submitted in accordance with the internal competition for transfer and promotion of prosecutors as well as the data provided by Prosecutors' performance review unit. After reviewing the data of all candidates, the Commission shall draft a list of all candidates who meet the criteria for transfer and promotion. The Commission shall carry out the assessment and interview all candidates who meet the promotion criteria. The Commission shall draft the final report on the proposed list of candidates for transfer or promotion based on their ranking, which is then sent for approval to KPC within 7 days.

Question 139

Albania

(General Comment): Regarding the promotion to the highest levels in Prosecution Offices of the general jurisdiction and the promotion of heads of Prosecution Offices of the general jurisdiction, other promotion criteria are the lack of disciplinary measures and the successful review of the verification of assets and image of candidates. And, for the promotion of prosecutors at the Special Prosecutor's Office against Corruption and Organized Crime, other criteria is the fulfilling of the security conditions, provided for in Article 6 of Law no. 95/2016 "For the organization and functioning of institutions to fight corruption and crime e organized", as amended, including the condition that candidates must have submitted valid expression forms of consent for the periodic control of bank accounts and personal telecommunications, signed by the candidate and close family members.

(2021): High Prosecutorial Council publishes the promotion announcement for prosecutors which includes the application deadline, the information and documentation attached, the candidacy procedure and the place of submission of documentation. The following candidates may be promoted:

- a) the prosecutor who fulfils the criteria for promotion in accordance with the requirements of the vacancy;
 - b) the prosecutor in command or the one in the delegation scheme who meets the criteria for promotion in accordance with the requirements of the vacant position.
- After the announcement of the promotion procedure, the candidate may run for no more than three vacancies or positions expected to become vacant. If the prosecutor is running for more than one position, he shall rank them by preference.

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 of judges and prosecutors”, as amended. Also, 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. The purpose of the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. is to define the criteria and procedure for the promotion of prosecutors in the leading position of the Prosecutions offices.

(2020): With Decision no. 200, dated 23.09.2020, High Prosecutorial Council approved the Regulation “On the criteria and procedures for the promotion of heads of prosecution offices of the general jurisdiction”. The purpose of this regulation is to define the criteria and procedures for the promotion of prosecutors in the leading position of the Prosecutions offices of general jurisdiction, based on the principles of meritocracy and career development.

(2019): The Councils review the applications and rank eligible candidates by reference to the following indicators:

- a) Firstly, two previous performance evaluations, taking into consideration that:
 - i) The experience in seconded positions, as magistrate in a mobility scheme or as member of the Council, whose mandate has ended three years before the application, will be an advantage;
 - ii) In cases of more candidates with the same grades, the magistrates within the group of candidates with the highest evaluation grades shall be ranked according to a scoring scheme established by the Councils;
- b) Secondly, if after the evaluation made under the first paragraph, there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their specific professional experience required for the vacant position;
- c) Thirdly, if after the evaluation made under the second paragraph there is more than one candidate with the highest scores, the Council shall rank these candidates referring to their seniority as magistrate or jurist.

Bosnia and Herzegovina

(General Comment): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

The rest of the above mentioned criteria for candidate ranking are checked in an interview.

(2020): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. Additional criteria are used for candidate ranking for managerial positions. For candidates who already perform the function of a judge or a prosecutor, the expertise and the ability to perform legal analysis are determined based on the assessment of the work for the last three years.

The assessment procedure is carried out every year by the head of institution (i.e. court president or chief prosecutor) pursuant to the performance criteria of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Other criteria for candidate ranking are checked in an interview.

(2019): Candidate ranking for position of the judge or the prosecutor within the public competition procedure is based on the following criteria: a) Expertise; b) Ability to perform legal analysis; c) Ability to responsibly, independently and impartially conduct the position in question, professional reputation, impartiality, and conduct outside of work; d) Previous working experience; e) Professional development, additional training, publishing of scientific papers, and other activities relevant for the judicial profession; f) Communication skills. 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.

Other criteria for candidate ranking are checked in an interview.

Montenegro

(General Comment): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

Criteria for performance evaluation of state prosecutors are professional knowledge and general competences for performing the duties of the prosecutorial office.

Professional knowledge is evaluated based on the following sub-criterion:

1) quantity and quality of work; 2) ability to plan and effectively conduct procedural actions; 3) the skill of preparing and keeping case files; 4) skills of using prosecutorial knowledge; 5) the skill of proceeding/acting; and 6) professional advancement.

General competences for discharging the duties of the prosecutorial office are evaluated on the basis of the following sub-criteria:

1) communication skills; 2) ability to adjust to changed circumstances; 3) ability to organize and coordinate prosecutorial staff and 4) participating in various professional activities.

(2022): Law on State Prosecutor's Office Article 75

State prosecutor, i.e. judge shall be entitled to promotion to the state prosecutor's office 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 state prosecutor's office.

State prosecutor, i.e. judge shall be entitled to be promoted to the Supreme State Prosecutor's Office if given the grade excellent and if he/she meets the specific requirements for the election to the Supreme State Prosecutor's Office referred to in Article 50 paragraph 3 of this Law.

(2019): Criteria for the election of state prosecutor to the state prosecutor's office of a higher rank are performance evaluation of the state prosecutor, i.e. judge who applied to the ad and the grade in the interview.

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 prosecutorial staff and 4) participating in various professional activities.

North Macedonia

(General Comment): A candidate for the position of a Public Prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia, in the Higher Public Prosecutor's Offices and in the Basic Public Prosecution Office for Prosecution of Organized Crime and Corruption, selected by the Council, except fulfillment on basic and special conditions, also shall have recognized performance results, capacity to deal with complex cases, organizational skills, and vocational and professional qualities with great reputation in exercising of the office, on the basis of the following criteria: professional knowledge, bearing in mind the specializations, postgraduate studies and participation in continuous professional development; work attitude or promptness in performing the tasks as a public prosecutor; capability for professional resolution of legal issues; assuming additional duties while working as a public prosecutor, through participation in preparation of regulations, mentorship, education etc.; enjoyment and protection of the reputation of the public prosecutor and Public Prosecutor's Office, determined through the manner of communication with the parties and other institutions, independence, impartiality and confidentiality in the performance of the public prosecution functions and aside. Depending on which position the candidates apply, they should fulfil and the following special conditions: Chief Public Prosecutor of the Republic of North Macedonia may be a person with continuous years of service of at least ten years as a public prosecutor or as a judge in the field of criminal law; Public prosecutor in the Public Prosecutor's Office of the Republic of North Macedonia may be a person with at least eight years of continuous years of service in a higher public prosecutor's office or the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption and who has received a positive evaluation score in the last four years; Higher public prosecutor of a higher public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least eight years until the date of application for appointment and who has received a positive evaluation score in the last four years; 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 the date of application for appointment and who has received a positive evaluation score in the last four years; Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least six years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last three years; Basic public prosecutor in the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption may be a person with continuous years of service of at least four years as a public prosecutor until the date of application for appointment and who has received a positive evaluation score in the last two years; Basic public prosecutor of a basic public prosecutor's office may be a person with continuous years of service as a public prosecutor of at least six years until the date of application for appointment and who has received a positive evaluation score in the last two years.

Serbia

(General Comment): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors, performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the interview with the Commission, candidates are being ranked for the election (promotion). Following that, the election procedure is the same. See the question 120.

(2019): Based on the Rulebook on criteria and standards for evaluation of performance of public prosecutors and deputy public prosecutors ("Official Gazette, No. 58/2014), performance of prosecutorial position holders is being evaluated. Based on the decision on performance evaluation, as well as the 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*

(General Comment): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

- 4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
- 4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
- 4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the 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 of experience as a prosecutor, as well as based on performance assessment;
- 4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

(2022): The general and specific criteria are foreseen in Articles 12 and 13 of Regulation 02/2021 on Transfer and Promotion of Prosecutors
<https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/Legjislacioni/rregullore/RREGULLORE%20NR.02.2021-P%C3%ABr%20transferimin%20dhe%20avancimin%20e%20prokuror%C3%ABve%20t%C3%AB%20Shtetit.pdf>

(2019): In addition to the minimum qualifications, all candidates for appointment as state prosecutor, or for appointment or promotion in particular prosecution office should have the following qualifications:

- 4.1. to exercise the function of the prosecutor in the Serious Crimes Department or in the Juvenile Department of the Basic Prosecution Office, the prosecutor must have a permanent mandate as a prosecutor and a positive performance assessment;
- 4.2. to serve as a prosecutor in the Appellate Prosecution Office, the prosecutor should have at least five (5) years of experience as prosecutor, of which at least three (3) years of experience as prosecutor in the Specialized Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo, as well as based on performance assessment;
- 4.3. to exercise the function of the prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor must fulfill the criteria to work as prosecutor in the Serious Crimes Department, as well as have a positive performance assessment. The period of exercising the function of prosecutor in the Special Prosecution Office, assigned according to the provisions of this Law, is counted as an experience of the prosecutor in the Serious Crimes Department of the Basic Prosecution Office.
- 4.4. to serve as a prosecutor in the Chief State Prosecutor Office, the prosecutor should have at least seven (7) years of experience as a prosecutor, as well as based on performance assessment;
- 4.5. to serve as Chief State Prosecutor, the prosecutor should have at least eight (8) years of experience as a prosecutor, as well as based on performance assessment.

Question 140

Montenegro

(2019): Note: an action is filed.

On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

Kosovo*

(General Comment): The appeal bench is the KPC. All appeals are directed to the KPC and then, the KPC takes decisions on each case by voting. The KPC member who is also a member of the Commission on Transfer and Promotion does not vote.

(2019): The appeal bench is the KPC. All appeals are directed to KPC and then, the KPC take decisions on each case by voting. The KPC member who is also member of the Commission on Transfer and Promotion does not vote.

Question 141

Albania

(2019): A judge has a right of appeal against a decision on promotion within 5 days from the notification of the decision of the Council. The appeal does not suspend the implementation of the decision. The competent court shall decide within two weeks as of the appeal day. The decision of the competent court shall be final. A Council's decisions, on an judge's promotion to a position in accordance, becomes final if: a) No appeal is lodged within the appeal period; b) An appeal is lodged on time and the court has decided to dismiss the case or reject the appeal; c) An appeal is lodged on time and, on its basis, a final court decision has been rendered. In cases where the court allows the appeal and repeals the Councils' decision, the latter shall, within two weeks of the notification of the court decision, revise the decision on the promotion, to the necessary extent for implementing the decision of the court.

The competent court is Tirana Administrative First Instance Court

Montenegro

(General Comment): On the decision of the Prosecutorial Council, lawsuit may be filed to the Administrative court, art. 40 par 1. of the Law on State Prosecution Service.

(2022): Administrative court. In accordance with the Law on State Prosecutor's Office, Article 40, decisions of the Prosecutorial Council shall be final and administrative dispute may be initiated against them, unless this Law requires otherwise.

Serbia

(General Comment): A candidate may file charges to the Administrative Court.

(2022): The deputy public prosecutor can file the Constitutional Appeal to the Constitutional Court (it differs from the Appeal to the Constitutional Court).

(2021): Article 54 of RULEBOOK ON CRITERIA FOR EVALUATION OF THE WORK OF PUBLIC PROSECUTORS AND 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:

The decision of the State Prosecutors' Council on the complaint is final and an dispute to the Administrative Court may be initiated against it.

(2019): A candidate may file charges to the Administrative Court.

Kosovo*

(General Comment): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. The KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, the KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published on the official website of the KPC and State Prosecutor.

(2019): Prosecutors have the right of objection in writing against the final report of the Commission on Transfer and Promotion, within 7 days of receipt of the decision. KPC shall decide on the objection within 10 days of its receipt or in the first upcoming meeting of the KPC. If the decision of the KPC results in the amendment of the Committee's report regarding promotion or transfer of a prosecutor who has filed an objection, KPC shall publish the final decision along with the amended report. KPC shall decide with a simple majority of votes regarding the promotion or transfer of prosecutors. KPC's decision shall be published in the official website of KPC and SP.

7. Training - Overview

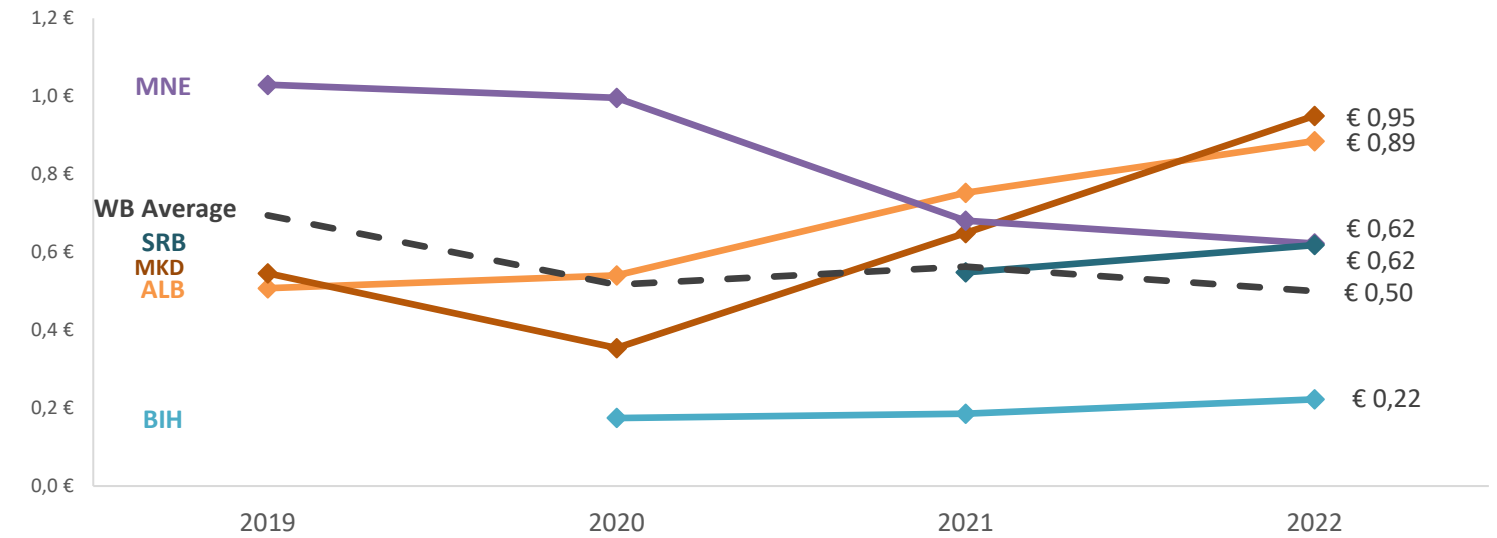
Training budget

Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2019 and 2022 (Table 7.1.3)

Beneficiaries	Total budget for training per inhabitant covered by training institutions, court and prosecution budget					
	2019	2020	2021	2022	Variation 2019-2022 (%)	Variation 2021-2022 (%)
Albania	€ 0,51	€ 0,54	€ 0,75	€ 0,89	74,4%	17,7%
Bosnia and Herzegovina	NA	€ 0,17	€ 0,19	€ 0,22	NA	19,7%
Montenegro	€ 1,03	€ 1,00	€ 0,68	€ 0,62	-39,6%	-8,7%
North Macedonia	€ 0,55	€ 0,35	€ 0,65	€ 0,95	73,9%	46,2%
Serbia	NA	NA	€ 0,55	€ 0,62	NA	12,7%
Kosovo*	€ 0,66	€ 0,30	NA	€ 0,39	-40,4%	NA
WB Average	€ 0,69	€ 0,52	€ 0,56	€ 0,66	36,3%	17,5%

N.B.: In 2022, the total budget for training also includes donors' budget

Figure 7.1 Total budget for training per inhabitant covered by training institutions, court and prosecution budget between 2019 and 2022



Number of trainings

Number of trainings in 2022 (Tables 7.2.4, 7.2.5 and 7.2.6)

Beneficiaries	Live (in person, hybrid, video conference) trainings						Internet-based trainings	
	Available			Delivered			Provided by the public institution(s)	Completed on other e-learning platforms
	Total	For judges	For prosecutors	Total	For judges	For prosecutors		
Albania	78	76	45	78	76	45	0	0
Bosnia and Herzegovina	279	176	81	245	158	67	22	6
Montenegro	71	67	51	75	71	55	NAP	16
North Macedonia	253	182	102	214	165	91	1	12
Serbia	260	210	190	260	210	190	7	6
Kosovo*	176	138	119	176	138	119	NA	11
WB Average	188	142	94	174	136	90	8	8

Figure 7.2 Average number of days per delivered live training in 2022

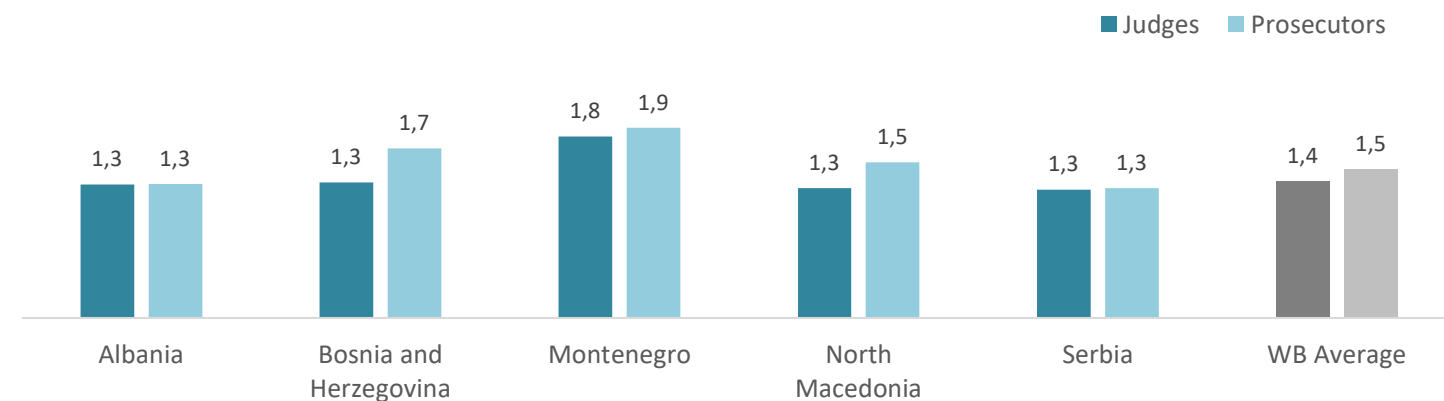
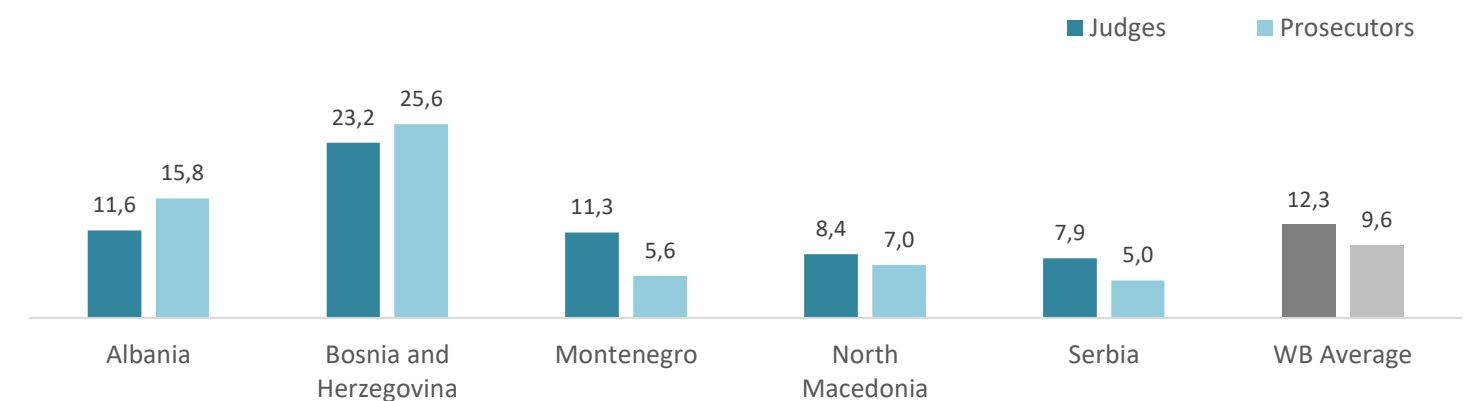


Figure 7.3 Average number of training participants per live training in 2022



Training participants in live trainings

CEPEJ distinguish these types of trainings:

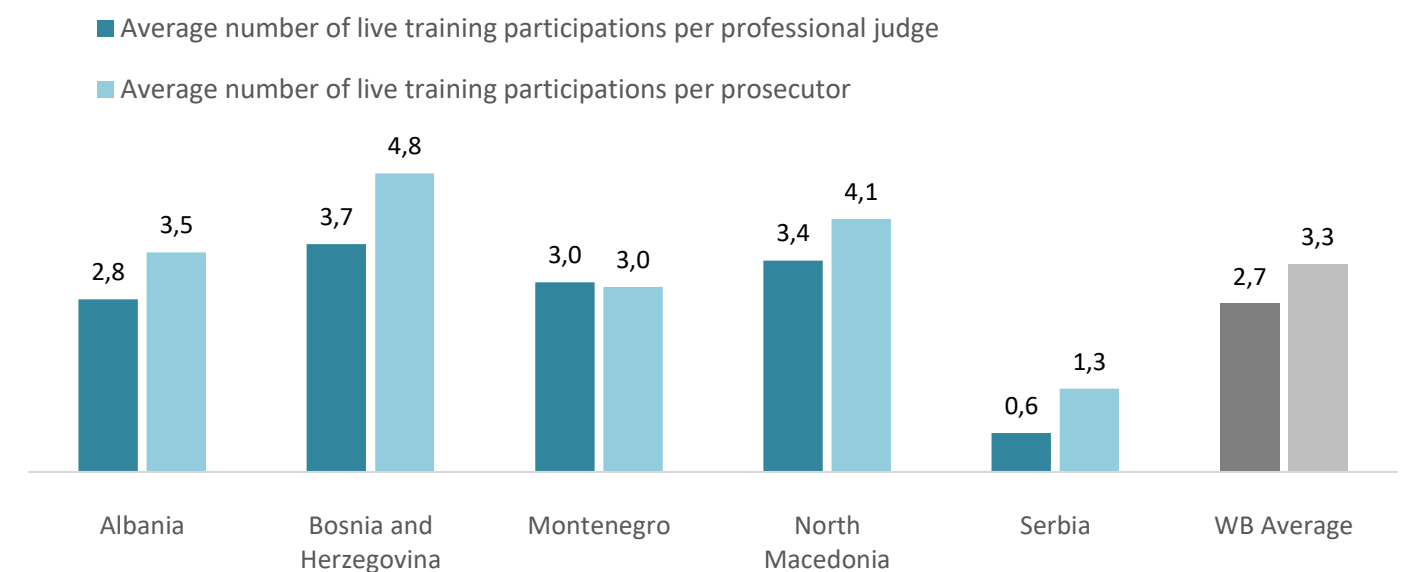
“A live” training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools).

“Internet-based” trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training.

Trainings participants (judges and prosecutors) on live and internet trainings, and average number of training participants per professional judge/prosecutor in 2022 (Tables 7.2.4)

Beneficiaries	Live trainings					
	Participating judges	Total number of professional judges	Average number of live training participations per professional judge	Participating prosecutors	Total number of public prosecutors	Average number of live training participations per prosecutor
Albania	881	318	2,8	712	202	3,5
Bosnia and Herzegovina	3 660	1 000	3,7	1 717	358	4,8
Montenegro	801	263	3,0	306	103	3,0
North Macedonia	1 389	409	3,4	638	157	4,1
Serbia	1 651	2 657	0,6	947	708	1,3
Kosovo*	2 005	423	4,7	626	161	3,9
WB Average	1 676	929	2,7	864	306	3,3

Figure 7.4 Average number of live training participations per judge/prosecutor in 2022



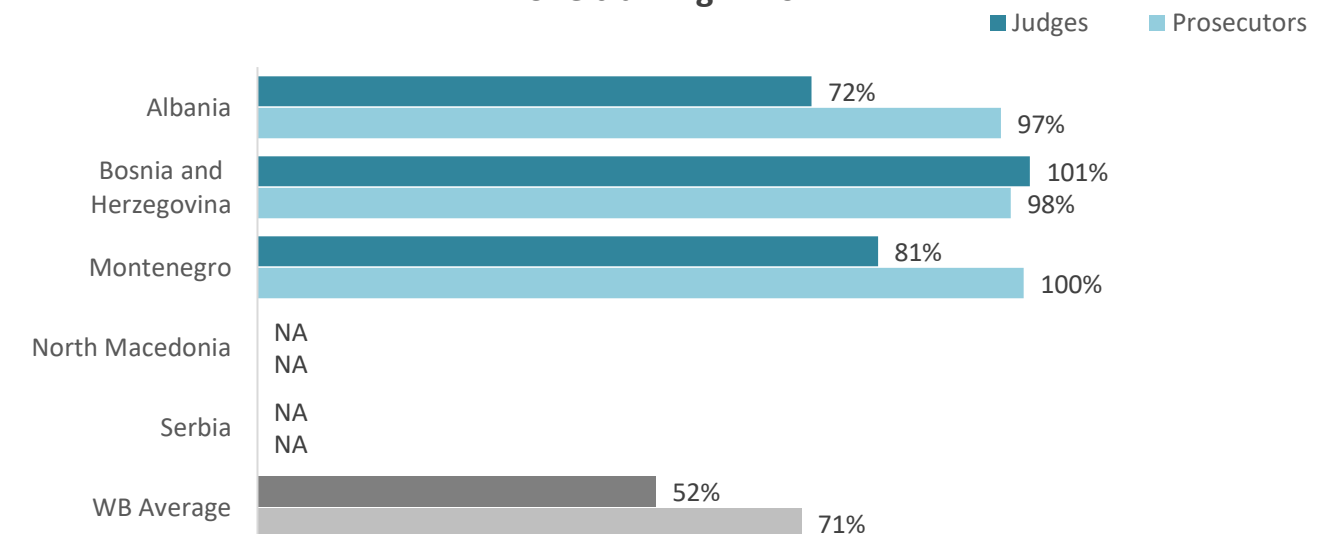
The average number of live training participations per professional is calculated by dividing the number of participants in live trainings by the number of professionals for that category. For example, the WB Average for judges is 2,7. This means that, on average, each judge in the region participated to 2,7 live trainings.

Number of unique participants** on trainings and percentage of judges or prosecutors attending at least one training in 2022 (Table 7.2.7)

Beneficiaries	Number of unique participants in live trainings		Percentage of judges/prosecutors having attended at least one training	
	Judges	Prosecutors	Judges	Prosecutors
Albania	230	196	72%	97%
Bosnia and Herzegovina	1 008	352	101%	98%
Montenegro	213	103	81%	100%
North Macedonia	NA	NA	NA	NA
Serbia	NA	NA	NA	NA
Kosovo*	362	149	86%	93%
WB Average	484	217	52%	71%

**“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

Figure 7.5 Percentage of judges/prosecutors having attended at least one training in 2022



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 2022
(Tables no. 7.3.1, 7.3.2 and 7.3.3)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of live trainings organised by the public institution(s) responsible for training		Number of internet-based trainings provided on the e-learning platform of the training institution		Number of internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	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	3	0	0	0	0
Bosnia and Herzegovina	1	8	1	1	0	2
Montenegro	3	25	NAP	NAP	7	9
North Macedonia	12	34	0	0	0	10
Serbia	4	22	0	3	2	4
Kosovo*	8	16	NA	NA	NA	NA
WB Average	4	18	0,3	1	2	5

Figure 7.7 Training on EU Law in 2022

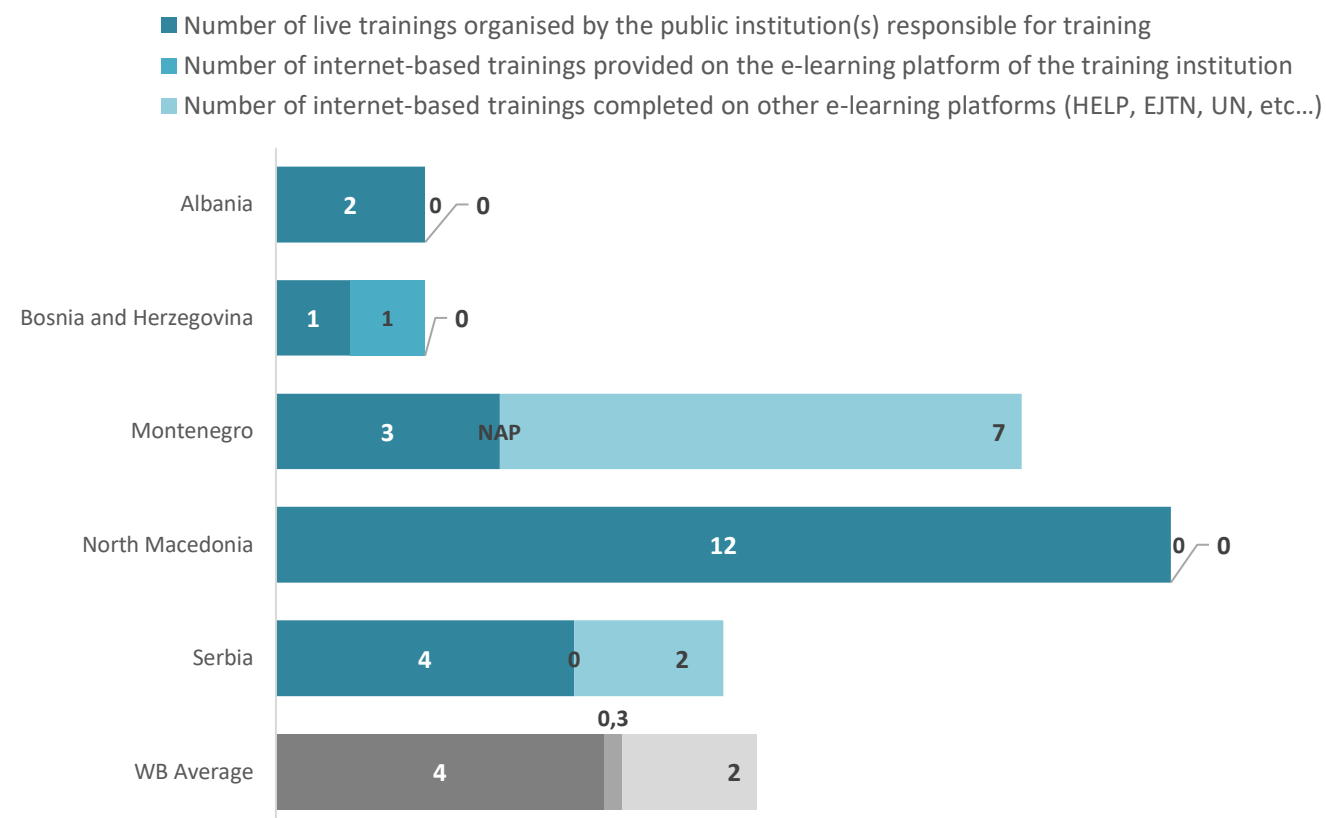


Figure 7.6 Number of days of delivered live trainings in 2022

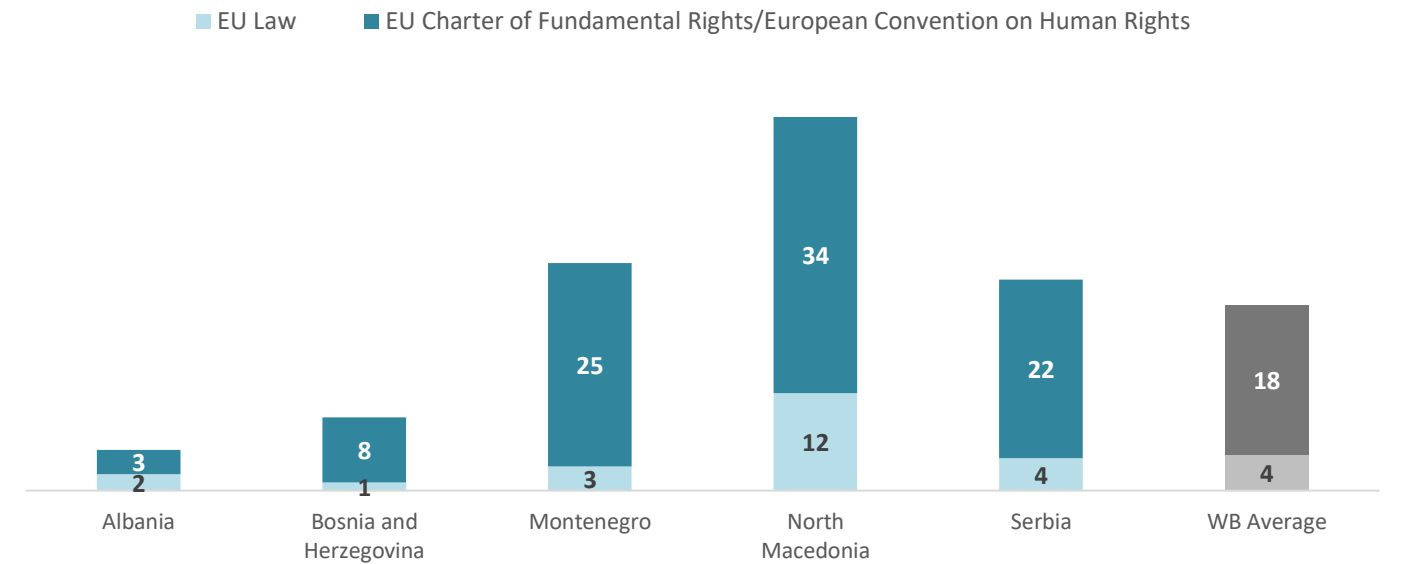
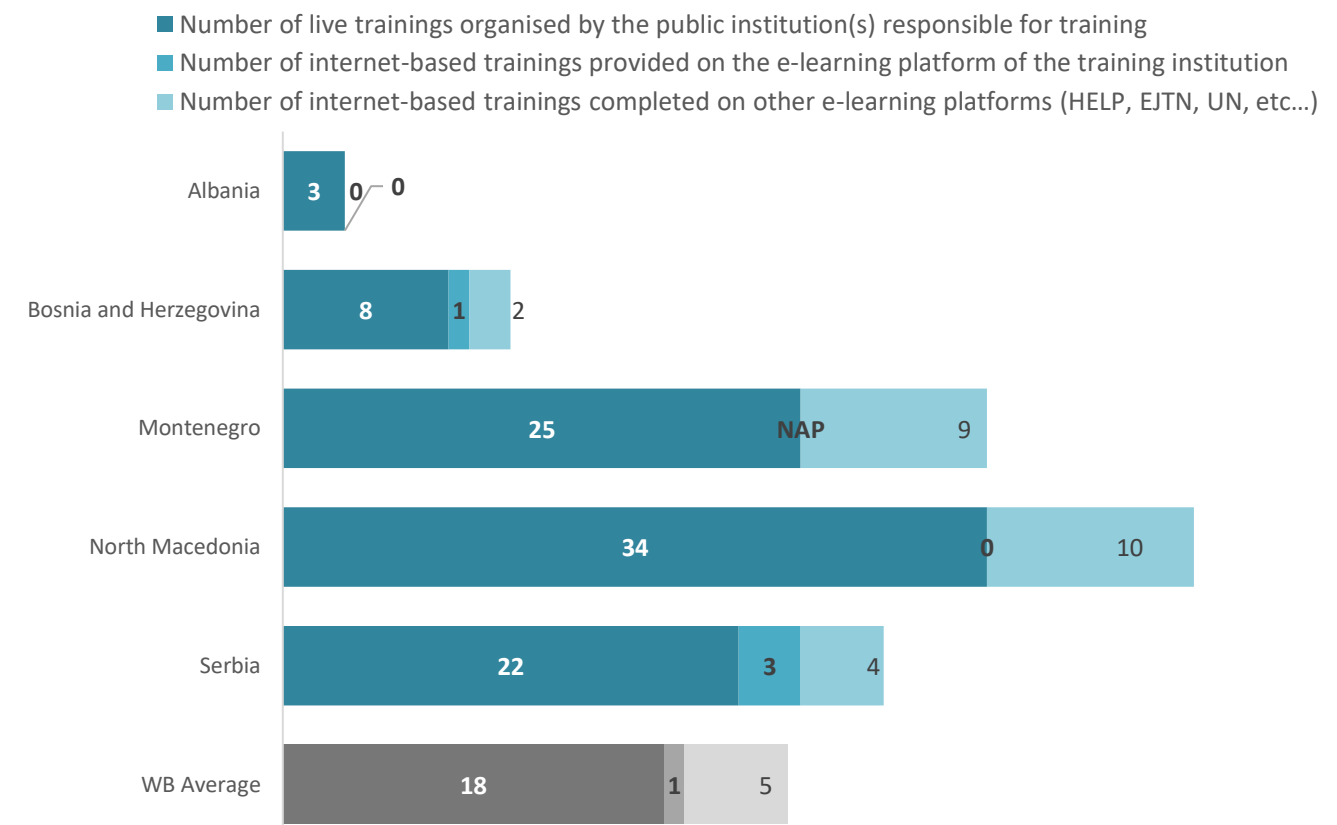


Figure 7.8 EU Charter of Fundamental Rights/European Convention on Human Rights in 2022



Number of participations to live trainings and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights

Number of participations to live training and internet-based trainings on EU Law and on the EU Charter of Fundamental Rights/European Convention on Human Rights (Tables 7.2.1 and 7.2.2)

Beneficiaries	Training courses organised by institutions responsible for training					
	Number of participations to live trainings		Number of participations to internet-based trainings provided on the e-learning platform of the training institution		Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...)	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	16	15	0	0	0	0
Bosnia and Herzegovina	105	41	719	5	96	31
Montenegro	368	110	NAP	NAP	31	6
North Macedonia	151	43	0	0	0	0
Serbia	82	188	20	0	5	0
Kosovo*	374	52	NAP	NAP	4	2
WB Average	144	79	185	1	26	7

Figure 7.9 Number of participants to live trainings in 2022 (judges and prosecutors)

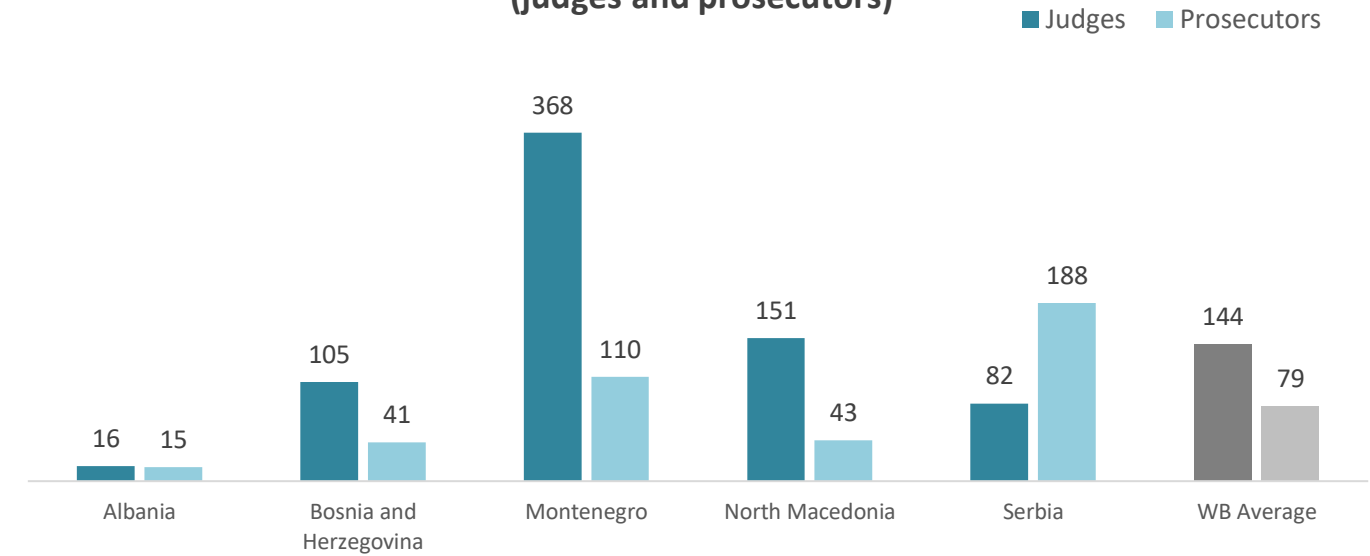


Figure 7.10 Number of participations to internet-based trainings provided on the e-learning platform of the training institution in 2022 (judges and prosecutors)

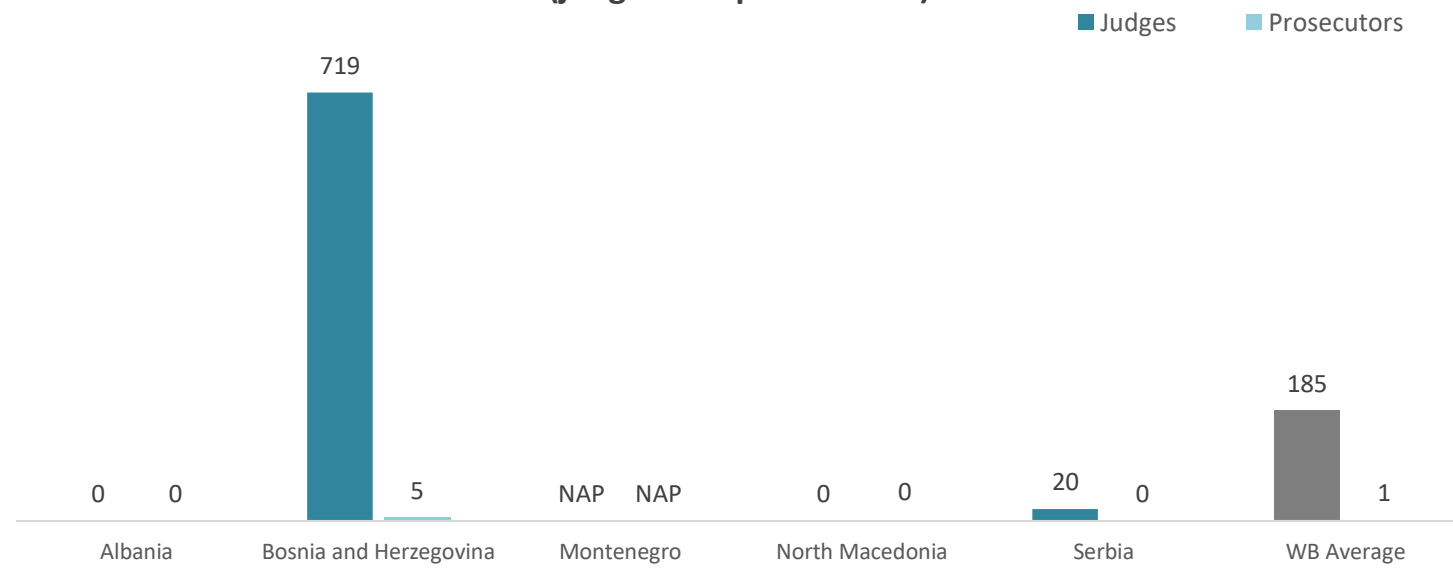
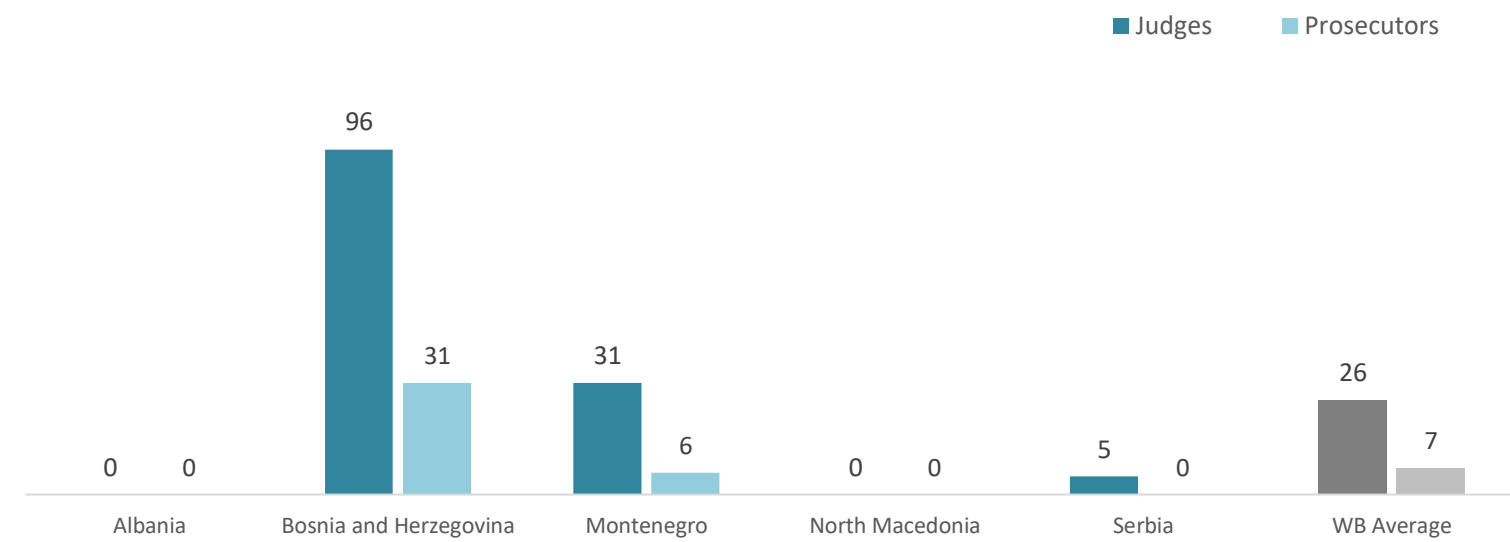


Figure 7.11 Number of participations to internet-based trainings completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2022 (judges and prosecutors)



* 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

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7.1 Training - Budget

Table 7.1.1 Total implemented budget of training: implemented budget of the training institution(s) and implemented courts and public prosecution services budget allocated to training in 2022 (Q4, Q6, Q142)

Beneficiaries	Total implemented budget for training covered by training institutions, court and prosecution budget (1 + 2 + 3)	Implemented budget covered by training institutions (1)	Implemented courts budget allocated to training (2)	Implemented public prosecution services budget allocated to training (3)
Albania	2 472 869 €	2 472 869 €	0 €	NAP
Bosnia and Herzegovina	767 710 €	654 087 €	97 919 €	15 704 €
Montenegro	385 839 €	374 440 €	11 399 €	NAP
North Macedonia	1 744 855 €	1 744 855 €	NAP	NAP
Serbia	4 200 813 €	4 200 813 €	NAP	NAP
Kosovo*	714 156 €	687 156 €	0 €	27 000 €
Average	1 914 417 €	1 889 413 €	36 439 €	-
Median	1 744 855 €	1 744 855 €	11 399 €	-
Minimum	385 839 €	374 440 €	0 €	-
Maximum	4 200 813 €	4 200 813 €	97 919 €	-

* This designation is without prejudice to positions on 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*

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

Table 7.1.2 Evolution and variations of the total budget for training covered by training institutions, court and prosecution budget between 2018 and 2022 (Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget					Variations	
	2018	2019	2020	2021	2022	2019-2022 (%)	2021-2022 (%)
Albania	NA	1 444 436 €	1 538 461 €	2 101 845 €	2 472 869 €	71,2%	17,7%
Bosnia and Herzegovina	NA	NA	608 839 €	645 416 €	767 710 €	NA	18,9%
Montenegro	NA	638 382 €	617 631 €	422 455 €	385 839 €	-39,6%	-8,7%
North Macedonia	1 280 894 €	1 134 195 €	735 500 €	1 193 036 €	1 744 855 €	53,8%	46,3%
Serbia	NA	NA	NA	3 766 707 €	4 200 813 €	NA	11,5%
Kosovo*	NA	1 178 046 €	542 801 €	NA	714 156 €	-39,4%	NA
Average	-	1 072 338 €	875 108 €	1 625 892 €	1 914 417 €	28,5%	17,1%
Median	-	1 134 195 €	676 566 €	1 193 036 €	1 744 855 €	53,8%	17,7%
Minimum	-	638 382 €	608 839 €	422 455 €	385 839 €	-39,6%	-8,7%
Maximum	-	1 444 436 €	1 538 461 €	3 766 707 €	4 200 813 €	71,2%	46,3%

* 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*

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

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 2022 (Q1, Q4, Q6, Q142)

Beneficiaries	Total budget for training covered by training institutions, court and prosecution budget per inhabitant					Variations	
	2018	2019	2020	2021	2022	2019-2022 (%)	2021-2022 (%)
Albania	NA	€ 0,51	€ 0,54	€ 0,75	€ 0,89	74,4%	17,7%
Bosnia and Herzegovina	NA	NA	€ 0,17	€ 0,19	€ 0,22	NA	19,7%
Montenegro	NA	€ 1,03	€ 1,00	€ 0,68	€ 0,62	-39,6%	-8,7%
North Macedonia	€ 0,62	€ 0,55	€ 0,35	€ 0,65	€ 0,95	73,9%	46,2%
Serbia	NA	NA	NA	€ 0,55	€ 0,62	NA	12,7%
Kosovo*	NA	€ 0,66	€ 0,30	NA	€ 0,39	-40,4%	NA
Average	-	€ 0,69	€ 0,52	€ 0,56	€ 0,66	36,3%	17,5%
Median	-	€ 0,55	€ 0,45	€ 0,65	€ 0,62	73,9%	17,7%
Minimum	-	€ 0,51	€ 0,17	€ 0,19	€ 0,22	-39,6%	-8,7%
Maximum	-	€ 1,03	€ 1,00	€ 0,75	€ 0,95	74,4%	46,2%

* 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.

N.B.: In 2022, the total implemented budget for training covered by the training institutions also includes donors' budget

7.2 Training - Number of training courses and participants

Table 7.2.1 Types and frequency of training courses for judges in 2022 (Q143 and Q145)

Beneficiaries	Initial training for judges	In-service training for judges													
		General		For specialised judicial functions		For management functions		For the use of computer facilities in courts		On ethics		On child-friendly justice		Other	
		Type of training	Frequency	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.

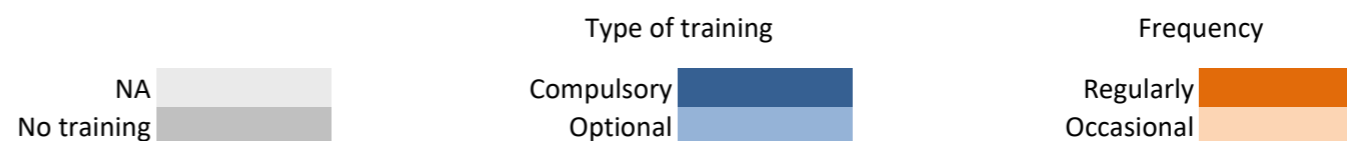


Table 7.2.2 Types and frequency of training courses for prosecutors in 2022 (Q144 and Q146)

Beneficiaries	Initial training for prosecutors	In-service training for prosecutors in 2022													
		General		For specialised functions		For management functions		For the use of computer facilities in office		On ethics		On child-friendly justice		Other in-service training	
		Type of training	Frequency	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.

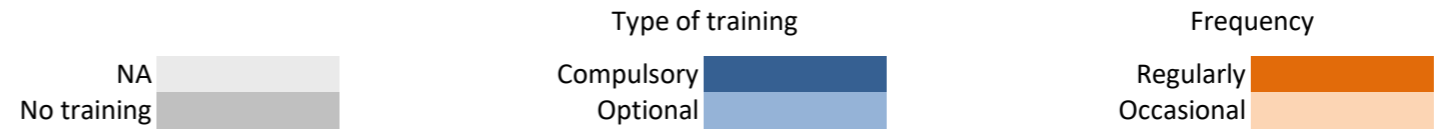


Table 7.2.3 Minimum number of compulsory trainings in 2022 (Q146-1)

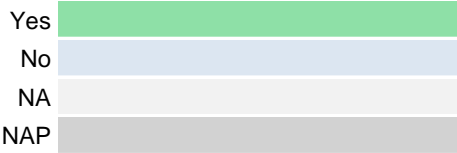
Beneficiaries	Minimum number of compulsory trainings in 2022							
	For judges				For prosecutors			
	Initial compulsory training		In-service compulsory trainings		Initial compulsory training		In-service compulsory trainings	
	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year	Minimum number of trainings	Minimum number of days	Minimum number of trainings per year	Minimum number of days per year
Albania	NAP	195	NAP	5	NAP	195	NAP	5
Bosnia and Herzegovina	11	NAP	NAP	3	11	NAP	NAP	3
Montenegro	1	128	1	2	1	128	1	2
North Macedonia	NAP	NAP	NAP	2	NAP	NAP	NAP	2
Serbia	6	NA	NAP	NAP	6	NA	NAP	NAP
Kosovo*	1	250	1	2	1	250	1	2
Average	6	-	-	3	6	-	-	3
Median	6	-	-	3	6	-	-	3
Minimum	1	-	-	2	1	-	-	2
Maximum	11	-	-	5	11	-	-	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 7.2.4 Existence of sanctions for not attending compulsory in-service trainings in 2022 (Q148 and Q149)

Beneficiaries	Existence of sanctions for not attending compulsory in-service trainings in 2022	
	Judges	Prosecutors
Albania	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Montenegro	No	No
North Macedonia	Yes	Yes
Serbia	No	No
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 7.2.5 Number of in-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2022 (Q147 and Q147-1)

Beneficiaries	Number of in-service live trainings available and delivered by the public institution(s) responsible for training and number of participants in 2022																			
	Number of different available live trainings					Number of delivered live trainings					Number of days of delivered live trainings					Number of participants in live trainings				
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff
Albania	78	76	45	3	1	78	76	45	3	1	103	101	60	5	1	1 840	881	712	147	100
Bosnia and Herzegovina	279	176	81	22	0	245	158	67	20	0	322	213	113	20	0	6 235	3 660	1 717	858	0
Montenegro	71	67	51	25	23	75	71	55	25	23	135	128	104	42	36	1 242	801	306	77	58
North Macedonia	253	182	102	27	12	214	165	91	21	8	298	213	141	21	8	4 465	1 389	638	NA	NA
Serbia	260	210	190	70	75	260	210	190	70	75	332	268	245	82	90	3 265	1 651	947	281	386
Kosovo*	176	138	119	33	33	176	138	119	33	33	328	272	247	36	36	3 810	2 005	626	534	645
Average	188	142	94	29	22	174	136	90	28	21	238	185	133	34	27	3 409	1 676	864	341	136
Median	253	176	81	25	12	214	158	67	21	8	298	213	113	21	8	3 265	1 389	712	214	79
Minimum	71	67	45	3	0	75	71	45	3	0	103	101	60	5	0	1 242	801	306	77	0
Maximum	279	210	190	70	75	260	210	190	70	75	332	268	245	82	90	6 235	3 660	1 717	858	386

* This designation is without prejudice to positions on 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 7.2.6 Number of in-service internet-based trainings provided by the public institution(s) responsible for training and number of participants in 2022 (Q147 and Q147-1)

Beneficiaries	Internet-based trainings provided by the public institution(s) in 2022									
	Number of internet-based provided trainings					Number of participants				
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff
Albania	0	0	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	22	21	12	1	0	990	719	210	61	0
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
North Macedonia	1	1	1	1	1	1	0	1	0	0
Serbia	7	1	0	6	6	64	20	0	22	22
Kosovo*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Average	8	6	3	2	2	264	185	53	21	6
Median	4	1	1	1	1	33	10	1	11	0
Minimum	0	0	0	0	0	0	0	0	0	0
Maximum	22	21	12	6	6	990	719	210	61	22

* This designation is without prejudice to positions on 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 7.2.7 Number of in-service internet-based trainings completed by justice professionals on other e-learning platforms (HELP, EJTN, UN, etc...) and number of participants in 2022 (Q147 and Q147-1)

Beneficiaries	Internet-based trainings completed on other e-learning platforms in 2022									
	Number of completed trainings					Number of participants				
	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff	Total	For judges	For prosecutors	For other non-judge staff	For other non-prosecutor staff
Albania	0	0	0	0	0	0	0	0	0	0
Bosnia and Herzegovina	6	6	6	1	0	547	353	127	67	0
Montenegro	16	NA	NA	NA	NA	86	31	6	42	7
North Macedonia	12	10	10	0	0	155	52	12	NA	NA
Serbia	6	3	0	3	3	52	5	0	25	22
Kosovo*	11	NA	NA	NA	NA	11	NA	NA	NA	NA
Average	8	5	4	1	1	168	88	29	34	7
Median	6	5	3	1	0	86	31	6	34	4
Minimum	0	0	0	0	0	0	0	0	0	0
Maximum	16	10	10	3	3	547	353	127	67	22

* This designation is without prejudice to positions on 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 7.2.8 Number of unique participants in live (in-person, hybrid, video conference videocall) trainings in 2022 (Q147-2)

Beneficiaries	Number of unique participants** in live (in-person, hybrid, video, conferencevideocall) trainings in 2022				
	Total	Judges	Prosecutors	Non-judge staff	Non-prosecutor staff
Albania	541	230	196	50	65
Bosnia and Herzegovina	1 549	1 008	352	189	0
Montenegro	328	213	103	NA	NA
North Macedonia	NA	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA
Kosovo*	986	362	149	246	229
Average	806	484	217	-	-
Median	541	230	196	-	-
Minimum	328	213	103	-	-
Maximum	1 549	1 008	352	-	-

* This designation is without prejudice to positions on 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*

**“Unique participants” shall be understood as number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she participated as one, should be counted only once. The aim is to count how many individuals were trained during the reference year.

7.3 Training - Trainings in EU Law and EU Charter of Fundamental Rights/European Conventio

Table 7.3.1 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training and number of participating judges and prosecutors in 2022 (Q154 and Q154-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) responsible for training in 2022									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Albania	2	2	4	3	3	4	16	15	16	15
Bosnia and Herzegovina	2	1	2	8	8	16	105	41	26	9
Montenegro	3	3	6	22	25	43	368	110	NA	NA
North Macedonia	12	12	18	40	34	47	151	43	NA	NA
Serbia	4	4	7	22	22	27	82	188	NA	NA
Kosovo*	8	8	13	16	16	23	374	52	240	35
Average	5	4	7	19	18	27	144	79	21	12
Median	3	3	6	22	22	27	105	43	21	12
Minimum	2	1	2	3	3	4	16	15	16	9
Maximum	12	12	18	40	34	47	368	188	26	15

* This designation is without prejudice to positions on 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 7.3.2 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), provided on the e-learning platform of the training institution in 2022 (Q154 and Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2022			
	Provided on the e-learning platform of the training institutions			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	0	0	0	0
Bosnia and Herzegovina	1	1	15	5
Montenegro	NAP	NAP	NAP	NAP
North Macedonia	0	0	0	0
Serbia	0	3	0	0
Kosovo*	NA	NA	NAP	NAP
Average	0	1	4	1
Median	0	0,5	0	0
Minimum	0	0	0	0
Maximum	1	3	15	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 7.3.3 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the training institution(s), completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2022 (Q154 and Q154-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised by the public institution(s) in 2022			
	Completed on other e-learning platforms (HELP, EJTN, UN, etc...)			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	0	0	0	0
Bosnia and Herzegovina	0	2	96	31
Montenegro	7	9	31	6
North Macedonia	0	10	0	0
Serbia	2	4	5	0
Kosovo*	NA	NA	4	2
Average	2	5	26	7
Median	0	4	5	0
Minimum	0	0	0	0
Maximum	7	10	96	31

* This designation is without prejudice to positions on 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 7.3.4 Number of live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes and number of participating judges and prosecutors in 2022 (Q154 and Q154-1)

Beneficiaries	Live trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights organised/financed by other stakeholders in the framework of co-operation programmes in 2022									
	Number of live trainings in EU Law			Number of live trainings in EU Charter of Fundamental Rights/European Convention on Human Rights			Number of participations		Number of unique participants	
	Number of different trainings available	Number of trainings delivered	Number of days delivered	Number of different trainings available	Number of trainings delivered	Number of days delivered	Judges	Prosecutors	Judges	Prosecutors
Albania	1	1	1	0	0	0	3	3	3	3
Bosnia and Herzegovina	2	1	2	6	7	14	96	41	9	0
Montenegro	1	1	2	19	22	39	301	79	NA	NA
North Macedonia	11	11	17	26	24	37	42	10	NA	NA
Serbia	3	3	5	18	18	23	5	0	NA	NA
Kosovo*	0	0	0	13	13	21	4	2	NAP	NAP
Average	4	3	5	14	14	23	89	27	6	2
Median	2	1	2	18	18	23	42	10	6	1,5
Minimum	1	1	1	0	0	0	3	0	3	0
Maximum	11	11	17	26	24	39	301	79	9	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 7.3.5 Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2022 (Q155 and Q155-1)

Beneficiaries	Number of internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes, provided on the e-learning platform of the training institution in 2022			
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations	
			Judges	Prosecutors
Albania	0	0	0	0
Bosnia and Herzegovina	1	1	0	0
Montenegro	NAP	NAP	NAP	NAP
North Macedonia	0	0	0	0
Serbia	0	0	0	0
Kosovo*	0	0	NAP	NAP
Average	0	0	0	0
Median	0	0	0	0
Minimum	0	0	0	0
Maximum	1	1	0	0

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

Kosovo is not included in the calculation of summary statistics*

Table 7.3.6 Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2022 (Q155 and Q155-1)

Beneficiaries	Internet-based trainings in EU Law and EU Charter of Fundamental Rights/European Convention on Human Rights provided organised/financed by other stakeholders in the framework of co-operation programmes completed on other e-learning platforms (HELP, EJTN, UN, etc...) in 2022				
	Number of internet-based trainings in EU Law	Number of internet-based trainings in EU Charter of Fundamental Rights/European Convention on Human Rights	Number of participations		
			Judges	Prosecutors	
Albania	0	0	0	0	
Bosnia and Herzegovina	0	2	96	31	
Montenegro	7	9	31	6	
North Macedonia	0	10	0	0	
Serbia	2	4	5	0	
Kosovo*	0	2	2	2	
Average	2	5	26	7	
Median	0	4	5	0	
Minimum	0	0	0	0	
Maximum	7	10	96	31	


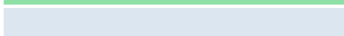
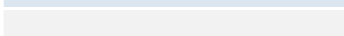

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

7.4 Training - Special trainings, compulsory trainings and quality of judicial training

Table 7.4.1 Compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest, and frequency, in 2022 (Q150, Q151 and Q152)

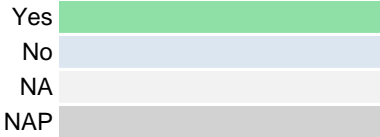
Beneficiaries	Compulsory in-service training solely dedicated to the prevention of corruption and conflicts of interest, and frequency, in 2022				
	Compulsory in-service training			Frequency during their career	
	Judges	Prosecutors	Duration of the training	Judges	Prosecutors
Albania					
Bosnia and Herzegovina			Up to 1 day	Only once	Only once
Montenegro					
North Macedonia					
Serbia					
Kosovo*			2-3 days	More than once on a regular basis	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 7.4.2 Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021 (Q153)



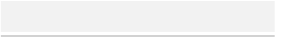

Beneficiaries	Existence of specially trained prosecutors in areas of domestic violence and sexual violence in 2021			
	Domestic violence training		Sexual violence training	
	Yes	Yes, specifically for minor victims	Yes	Yes, specifically for minor victims
Albania	Yes	No	Yes	No
Bosnia and Herzegovina	Yes	Yes	Yes	Yes
Montenegro	Yes	Yes	Yes	Yes
North Macedonia	Yes	No	Yes	Yes
Serbia	Yes	Yes	Yes	Yes
Kosovo*	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.

Table 7.4.3 Assessment of future training needs and frequency of assessment in 2022 (Q155-2)

Beneficiaries	Assessment of future training needs and frequency of assessment in 2022								
	Source to identify future training needs								Assessment
	Target audience itself	Previous participants in trainings	Trainers	Courts/ prosecutor's offices	Relevant judicial institutions	Ministry of Justice	Other	Comment on other	Frequency
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	International partners	Annual
Bosnia and Herzegovina	Yes	Yes	No	Yes	Yes	Yes	Yes	The High Judicial and Prosecutorial Council of Bosnia and Herzegovina, international partners of domestic training institutions in Bosnia and Herzegovina, which are launching projects aimed at judicial reform, and relevant non-government organizations from Bosnia and Herzegovina.	Annual
Montenegro	Yes	Yes	Yes	Yes	Yes	Yes	Yes	focus groups, interviews etc.	Annual
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	No		Annual
Serbia	Yes	No	No	Yes	Yes	No	No		Annual
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	No		Annual

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 7.4.4 Evaluation of the in-service trainings in 2022 (Q155-4, Q155-4, Q155-4 and Q155-7)

Beneficiaries	Evaluation of the in-service trainings in 2022														
	Existence of an evaluation of the in-service trainings (seminars, workshops, round tables)	Type of training evaluation model				Frequency of training evaluation			Use of the feedback of the training evaluation process						
		Kirkpatrick training evaluation model	A combination Kirkpatrick and other training evaluation models	Other	Comment on other	Immediately after the training is delivered	3-6 months after the training is delivered	A year or more after the training	To prepare a training evaluation report with recommendations	To improve the training course which, according to the report, needed improvements	To replace the trainers that failed to meet expected learning outcomes/were negatively evaluated	To suppress a training course	To introduce a new course	Other	
Albania	Yes	NA	NA	Yes	Evaluation Questionnaire	Yes	NA	NA	Yes	Yes	Yes	NA	Yes	Yes	
Bosnia and Herzegovina	Yes	NA	Yes	NA	NA	Yes	NA	NA	Yes	Yes	Yes	NA	NA	NA	
Montenegro	Yes	Yes	NA	NA	NA	Yes	Yes	NA	NA	Yes	NA	Yes	Yes	NA	
North Macedonia	Yes	Yes	NA	NA	NA	Yes	NA	NA	NA	Yes	Yes	NA	Yes	NA	
Serbia	Yes	NA	Yes	NA	NA	Yes	Yes	NA	Yes	Yes	NA	NA	Yes	NA	
Kosovo*	Yes	Yes	NA	NA	NA	Yes	NA	NA	Yes	Yes	Yes	NA	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.

Question 142. What is the implemented 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 trainings during the reference year

Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest?

Question 151. If yes, what is the duration of this training in total?

Question 152. If yes, how often during their career do they need to participate on this training?

Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Albania

Q142 (2022): The amount provided by the State Budget to the School of Magistrates is 2 470 872 EURO

The total amount of funds given to the SoM by donors in 2022 is: 1 997 EURO.

Q142 (2019): Please note that under the justice reform laws, namely the law on the governance organs of the justice system, adopted at the end of 2016, the school of magistrates is in charge of initial training of not only judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors. Hence, the increase in budget since 2016 and as compared with 2018 data.

Q143 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Q143 (2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

Q144 (2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

Q145 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Q145 (2019): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a judge has to undergo continuous training at least 5 days per year. The training should be relevant to his function.

Q146 (2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Q147-1 (2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased

Q147-1 (2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337 participants in online training courses

Q147 (2022): The total does not match as SoM does not organize trainings only for judges or only for prosecutors. In the table of training activities, trainings are defined which are addressed to a specific target group such as judges, prosecutors, judicial police officers, state lawyers, administrative staff of courts or prosecutions, chancellors, etc. but most of the training activities are open to all subjects whose law recognizes the right to be trained by the School of Magistrates. So, apart from the fact that there are trainings with a certain target group, the same trainings where judges have participated, prosecutors have also participated, especially when it comes to dealing with procedural law, where the confrontation of the prosecutor's perspective with the court is quite important. In this case, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where there were judges, prosecutors and other subjects of the justice system.

Q147 (2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased

Q147 (2020): The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

Q150 (General Comment): HPC: According to Article 182, of the Law "On the governance institutions of the justice system", as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Q150 (2022): No, judges/public prosecutors do not have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest. The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Q150 (2021): According to Article 182, of the Law "On the governance institutions of the justice system", the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

Q150 (2019): According to Article 182, of the Law "On the governance institutions of the justice system", as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics issues

Q151 (2022): The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Q152 (2022): The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Q152 (2019): 2. A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days during five years.

Q154 (2020): To answer to the question on the decrease of number of judges and prosecutors:

The needs-based methodology of drafting the training calendar makes it mandatory for the School of Magistrates to plan and hold the training activities as requested by judges and prosecutors in service. Because last year a considerable part of judges and prosecutors in service participated in specific trainings on EU Law and because there have been a lot of changes in the domestic legislation, including basic laws (e.g. criminal code, criminal procedure code), the interest of in-service judges and prosecutors has been higher for trainings on changes of legislation rather than in EU training activities.

Q154 (2019): Training is organised by the School of Magistrates

Q155 (2020): The reason is with the coming of the pandemic, the training activities we had planned with our international partners, due to suspension of international travel, were cancelled. This is why there were no activities financed by our international partners on the topic and therefore no participating judges or prosecutors.

Q155 (2019): Partner organisations of the School of Magistrates that have conducted these training are Euralius (2 days), Council of Europe (6 days), IRZ (4 days), European Center (4 days) = 16 days overall.

Bosnia and Herzegovina

Q142 (General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors.

Q142 (2022): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2022 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 281 970 EUR. Budget funds for the Center for Education of Judges and Prosecutors in the Republic of Srpska have increased as material costs rose in 2022 due to the growth of inflation. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 333 132 EUR. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions. In addition, the training institutions spent grants worth EUR 38.985,57 provided within the specific projects by the external donors in 2022, (i.e. the external donors which provided the grants were: UNICEF, the Council of Europe - SOUTH-EAST EUROPE Freedom of expression, The AIRE Centre - Advice on Individual Rights in Europe).

Q142 (2021): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 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 donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

Q142 (2020): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2020 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 227320. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 312924; the Parliament of the Federation of Bosnia and Herzegovina cut the funds allocated to the training center for 2020 within the general budget rebalancing procedure amid the implementation of the measures fighting the coronavirus crisis.

Q142 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 386014€

Q143 (General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases. This program lasts 4 days and covers 4 topics.

In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors: it includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents 3) Electronic tools for managers, and 4) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

Q143 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Q144 (General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases. This program lasts 4 days and covers 4 topics.

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Q144 (2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Q145 (General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

Q145 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Q146 (General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

Q146 (2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Q147 (2021): Number of in-service training courses in 2021 were provided by the institutions for the training of judges and 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. Other professionals: The data in the table refers to the training courses that were available for the legal advisers working in prosecutors' offices and courts.

Q147 (2020): Number of delivered in-person training courses plummeted in 2020 as a result of the measures taken against the spread of coronavirus. Number of on-line training courses increased considerably in 2020 as a result of the measures taken against the spread of coronavirus.

Q147 (2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and other unforeseen circumstances.

Q150 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided in 2022 that in-service online training on ethics, the prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. The acquired knowledge of judges and prosecutors is tested at the end of the training course.

Q150 (2019): In-service training on ethics, the prevention of corruption and conflicts of interest is offered yearly by training institutions, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the training on ethics. Attending training on ethics, the prevention of corruption and conflicts of interest is obligatory only for the newly appointed judicial office holders.

Q151 (General Comment): The estimated duration of online training is up to 5 hours.

Q153 (General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases

Q153 (2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases.

Q154 (2021): The statistics provided for this question include the number of the training courses organized or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 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 preceding to 2021.

Q154 (2020): The statistics provided for this question include the number of the training courses organised or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 2020, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2020. The training institutions in Bosnia and Herzegovina delivered several new training courses on the European Union Law and the European Convention on Human Rights that they had developed in cooperation with the relevant foreign organizations' experts. The involvement of judges and prosecutors in the new training courses increased the participation at the classes on European Union Law and the European Convention on Human Rights.

Q154 (2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training 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 2019.

Q155 (2021): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-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 trainers: for newly appointed judges on the topic of the European Convention of Human Rights, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, Gender (Non)equality, Recent trends in the European Court of Human Rights case law, Article 10. Right on freedom of expression, Human Rights of the LGBTIQ persons – protection and practice in the Region..

Q155 (2020): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights,
2. Gender (Non)equality,
3. Recent trends in the European Court of Human Rights case law,
4. Article 10. Right on freedom of expression.

The training institutions' implementation of the specific cooperation programmes with the European Delegation in Bosnia and Herzegovina and the German Foundation for International Legal Cooperation, caused a substantial increase in the number of judges and prosecutors in the training courses on the European Union Law and the European Convention on Human Rights.

Q155 (2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on 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.

Montenegro

Q142 (2022): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 21,296.00€ come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.

Note: The amount of 240.540,51 € represents financial support from international and domestic partners for training activities organized in cooperation with the CTJSP). The total amount includes also donor support as recommended to be included by Cepej.

Q142 (2020): NOTE. Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The budget allocated to the Centre for Training in Judiciary and State Prosecution still remains below the statutory minimum of 2% of the budget allocated to the judiciary and prosecution. In addition to the amount allocated from the public budget for training activities, the Centre obtained financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre. Anyway, upon the collected data, it is visible that financial support of the international partners in 2020 amounted to around – 169,784.62 €

Q142 (2019): In addition to the amount allocated from the public budget for training activities, the Centre obtained significant financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre. Anyway, upon the collected data, it is visible that financial support of the international partners in 2019 amounted to around 383,825.00EUR .

Q143 (General Comment): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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 trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computer facilities in office, these training activities are organized and conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q143 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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 trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computer facilities in office, these training activities are organized and conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q143 (2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were 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 courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q143 (2019): The training is not compulsory for judges of specialized courts, however, the Centre for Training in Judiciary and State Prosecution organizes regular training for judges of specialized courts at the annual level (judges of Commercial Court, Administrative Court). The only compulsory specialized training is the training for judges in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All judges in charge of juveniles went through the specialized training. The trainings for management functions in courts are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's Offices in Montenegro, which was adopted in 2019 and which contains the following training modules: human resource management, financial management and acquisition of managerial skills. 90% of court presidents participated in so-far ad hoc trainings. When it comes to training activities for the use of computers in courts, these training activities are conducted by the Judicial Council and Human Resource Management Authority.

Q144 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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 only compulsory specialized training is the training for state prosecutors for the juveniles (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 current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

Q144 (2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)). The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings were implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's 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 conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

Q144 (2019): The only compulsory specialized training is the training for state prosecutors in charge of juveniles (according to the Law on Treatment of Juveniles in Criminal Proceedings). All state prosecutors in charge of juveniles went through the specialized training. The trainings for management functions in state prosecution offices are organized in accordance with needs and, thus, these are not compulsory. In 2020 the trainings will be implemented upon a special Training Programme for Court Presidents and Heads of State Prosecutor's Offices in Montenegro, which was adopted in 2019 and which contains the following training modules: human resource management, financial management and acquisition of managerial skills. 90% of heads of state prosecutor's offices participated in so-far ad hoc trainings. When it comes to training activities for the use of computers in state prosecution offices, these training activities are conducted by the Prosecutorial Council and Human Resource Management Authority.

Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the State prosecutors holds regular trainings on the topic of ethics in State Prosecution offices. Also, the Commission submits the proposal to the Center for Training in Courts and State Prosecution Office of the topic of ethics, so this topic is the part of the trainings organised by the Center within their competence.

Q145 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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)).

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.

Q145 (2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

Q145 (2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution ("Official Gazette of Montenegro" no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

Q145 (2019): Around 97% of judges participate in in-service training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, 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)).

Q146 (2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

Q146 (2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

Q146 (2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

Q146 (2019): Around 97% of state prosecutors participate in training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the State prosecutors holds regular trainings on the topic of ethics in State Prosecution offices. Also, the Commission submits the proposal to the Center for Training in Courts and State Prosecution Office of the topic of ethics, so this topic is the part of the trainings organised by the Center within their competence.

Q147-1 (2022): In addition, as per the column one 121 other participants (representatives of state institutions, law enforcement officers, lawyers, etc) undergone trough training.

Comment: The participants in the training activities also included other legal professionals, i.e. the representatives of the Ministry of Justice (and Human and Minority Rights), notary public offices, the Ministry of Finance and Social Welfare, LGBTQ organizations and Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).

Note: (comment ref. column 3 - Total): The total of 108 participants in training activities includes: 31 judges, 6 prosecutors, 42 non-judge staff (3 candidates for judges + 27 advisors from courts + 12 trainees from courts), 7 non-prosecutor staff (4 candidates for state prosecutors + 3 advisors from state prosecution offices), 22 legal professionals from other public institutions (5 lawyers, 11 the Ministry of Justice (and Human and Minority Rights) + 1 notary public offices + 1 the Ministry of Finance and Social Welfare + 3 LGBTQ organizations + 1 Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).

Note: (comment ref. column 3 - Non-judge staff): 3 candidates for judges + 27 advisors from courts + 12 trainees from courts.

Note: (comment ref. column 3 - Non-prosecutor staff): 4 candidates for state prosecutors + 3 advisors from state prosecution offices.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2022, the CTJSP organized training for 108 interns, of which 88 are interns in courts and 20 in state prosecutor's offices. The trainees were divided into five groups, and a total of 23 trainings were conducted (2 live and 21 online), i.e. 55 days of training.

Q147-1 (2021): This change was caused by COVID-19 pandemic. Owing to the aforementioned change, the Centre now has 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.

Q147-1 (2020): Note: Additional to above numbers in non-prosecutor and non-judge staff we did not count trainees/ interns in courts and state prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/ interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no.55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2020, the Centre organised 24 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.

Q147 (2022): - In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 2 (two) HELP e-learning courses and participated in 1 (one) regional HELP online course:

- The first HELP online course – e-learning (21 February to 21 April 2022) - The total of 40 participants successfully completed this course (in effective duration of 12 hours) - 8 judges, 3 state prosecutors, 12 advisors from courts, 3 advisors from state prosecution offices, 3 trainees from courts, 2 candidates for judges, 4 candidates for state prosecutors, 2 lawyers and 3 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro.
 - The second HELP online course - e-learning (21 September – 21 November 2022) - The total of 38 participants successfully completed this course (in effective duration of 18 hours) – 7 judges, 1 state prosecutor, 11 advisors from courts, 5 trainees from courts, 1 candidate for a judge, 3 lawyers, 6 representatives of the Ministry of Justice of Montenegro, 3 representatives of LGBTQ organizations and 1 representative of the Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
 - The regional HELP online course (29 March – 29 May 2022) organized by the Council of Europe HELP Programme and the United Nations High Commissioner for Refugees (UNHCR) – the participants herein attended separate courses in relation to the country they come from, which were translated into all languages of the Western Balkan countries and adapted to respective national legislation. The total of 11 participants successfully completed this course – 2 judges, 3 advisors from courts, 2 trainees from courts, 2 representatives of the Ministry of Justice of Montenegro, 1 representative of the Notary Office in Cetinje and 1 representative of the Ministry of Finance and Social Welfare.
- The Centre participates in the activities offered by the European Judicial Training Network (EJTN) despite its status of an observer. During 2022, owing to the Centre’s role of an intermediary and the invitation to participate in training activities, 19 representatives of the Montenegrin judiciary (14 judges, 2 state prosecutor, 2 trainees from courts and 1 advisor from a court) participated herein. These training activities encompassed 6 one-hour online seminars, 1 two-and-a-half-hour online seminar, 1 two-day online workshop, 2 two-day virtual study visits to the ECtHR and 1 in-person seminar.
- Finally, in 2022, owing to the role of the Centre as an intermediary and the invitation to participate in online training activities and face-to-face activities organised by foreign partners (at the regional and European level), the total of 108 representatives of Montenegrin judiciary participated in 38 training activities (51 judges, 15 special prosecutors, 18 state prosecutors, 13 candidates for a judge, 4 advisors from Special State Prosecution Office, 4 advisors from state prosecution offices, 1 advisor from a court and 2 trainees in courts). – PLEASE NOTE : This number DOES NOT include unique participants. Note: (comment ref. column 5) In total, 16,5 training days: (3 HELP courses: two 12-hour courses (4 training days) and one 18-hours course (3 training days) + EJTN two-day online workshop (2 training days), 2 EJTN two-day virtual study visits to the ECtHR (4 training days), 1 EJTN two-day in-person seminar (2 training days) + 6 one-hour online seminars and 1 two-and-a-half-hour online seminar (1 and a half training day))

Q147 (2021): - Yes, other legal professions are invited for certain trainings, the table above shows the number of trainings 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 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 Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.

- In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State

Q147 (2020): Note: Total - online training courses available (e learning) - 40 training days

For judges - online training courses available (e learning) - 33 training days

For prosecutors - online training courses available (e learning) - 25 training days

For non judge staff - online training courses available (e learning) - 18 training days

For non-prosecutor staff - online training courses available (e learning) - 15 training days

Training for other professionals - online training courses available (e learning) - 15 training days

Note: The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 10 training activities of this kind in 2020 and these lasted for 13 days.

Advisors from courts and State prosecution also have the right to participate in trainings intended for judges and state prosecutors (they are allowed to participate in continuous training in case that judges and state prosecutors are prevented to attend the trainings) From the number of 34 online only 2 training activities planned to be online (CE HELP program e-learning courses). The rest of the number are training that were planned to be in-person but due the situation which is caused by covid pandemic we organized it online.

The training that were supposed to be in-person we adapted to the online format-shorter lecture time, encourage participants to use online platforms for training. In 2020, due to the situation caused by the corona virus, 11 trainings planned by the Program for Continuous Training of Judges and State Prosecutors were not implemented.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and State prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts 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.

When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 192 days of initial training activities.

Q147 (2019): NOTE: The data on the total number of training days for all the abovementioned categories (455) have been collected from the Annual Report of the Centre for Training in Judiciary and State Prosecution, which can be found on the website of the Centre: www.cosdt.me. The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 19 training activities of this kind in 2019 and these lasted for 18 days in total. Advisors from courts and state prosecution offices also have the right to participate in trainings intended for judges and state prosecutors. When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 203 days of initial training activities. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees in courts and state prosecution offices, in accordance with the Law on 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 2019, the Centre organised 56 days of training activities for trainees. In cooperation with the HELP Programme of the Council of Europe, the Centre organised 2 online courses, which were attended by 106 participants in total (42 judges, 21 state prosecutors, 7 lawyers, 20 advisors, 6 trainees in courts, 4 trainees in state prosecution offices and 6 representatives of the High Court Professional Service).

Q150 (General Comment): No, training activities are not compulsory in this field.

Q150 (2020): No, training activities are not compulsory.

Q150 (2019): Reply from Centre for Training in Judiciary and State Prosecution Office - No, training activities are not compulsory.

When it comes to prosecutors, additional information from the Prosecutorial Council - State prosecutors' trainings in the above mentioned areas are conducted by the Centre for Training in Judiciary and Prosecution as well as through ad hoc trainings conducted by the Commission for the Code of Ethics of State Prosecutors.

Q151 (General Comment): As mentioned above, trainings on topics related to question 150 are not compulsory, but the Center offers training on this topic in duration 2-3 days to judges and state prosecutors through the annual In-service training programme.

Q151 (2020): As mentioned above, trainings on topics related to question 150 are not compulsory, but the Center offers training on this topic to judges and state prosecutors in an annual program that lasts 2-3 days.

Q153 (General Comment): The Basic State Prosecutor's Office in Kotor and the Basic State Prosecutor's Office in Bijelo 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 domestic violence and sexual violence.

Q153 (2022): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.

Q153 (2020): Note: The Centre continuously, every years, organizes trainings for judges and state prosecutors on these specific topics. The mentioned trainings are conducted at least twice a year.

Q154 (2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation with other partners.

Q154 (2020): Between 2019 and 2020 there has been a decrease of the number of trainings in EU Law due to the Covid-19 pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this project there were a large number of trainings pertaining to EU law and European standards).

Q154 (2019): NOTE: Total number of participants is actually much larger since advisors in courts and state prosecution offices, trainees, lawyers, police officers and representatives of other state bodies and institutions also participate in the training activities organised by the Centre.

Regarding trainings on EU Charter of Fundamental Rights/European Convention on Human Rights, there were many more training activities on the ECHR – two training activities were on the EU Charter of Fundamental Rights, whereas the rest of training activities were on the ECHR.

Q155 (2022): Note (comment ref. column 2 – EU law) The Centre for Training in Judiciary and State Prosecution of Montenegro and Judicial Academy of Serbia in cooperation with European Institute of Public Administration (EIPA) implemented 1 two-day training activity, i.e. regional conference on the EU Environmental Law. In total, 18 representatives of Montenegrin and Serbian judiciary participated in this activity (8 judges, 6 state prosecutors, 2 advisors from state prosecution offices and 2 representatives of Judicial Academy of Serbia).

Q155 (2021): In 2021, the Center organized trainings in cooperation with the international partners and projects as follows: - European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro; - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals); - 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 Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.

- The regional HELP online course (9 June – 16 July 2021) organized by Council of Europe HELP Program, Regional Cooperation Council (RCC) and GIZ Open Regional Funds for South East Europe - Legal Reform. This training was implemented in English over a 2-months period and was designed for judges and prosecutors from South East Europe (2 state prosecutors successfully finished the online course).

Q155 (2020): In 2020, the Center organized trainings in cooperation with the international partners and projects as follows:

- European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro;

- HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals);

- 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".

Q155 (2019): NOTE: All training activities on the EU law were implemented in cooperation and with financial support of the Institute of Public Administration of Luxembourg (EIPA) and EURoL II project. The Centre co-funded implementation of all training activities on the EU law and these activities were a part of the Annual Training Programme of the Centre (that is why these activities have been presented within the answer to the question no. 154). NOTE:When it comes to the second part of the answer, which is related to the training on the EU Charter of Fundamental Rights/European Convention on Human Rights (Number of training courses in days): besides 6 days of training, there were 2 online courses. The exact number of days for 2 HELP online courses had not been provided since these courses lasted for several months and therefore it was not possible to calculate the exact number of days. However, the number of training activities as well as the number of judges and state prosecutors who participated in these courses had been provided.

North Macedonia

Q142 (2022): Implemented budget from donors: 52 640 €.

Q142 (2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the Academy of judges and public prosecutors.

Q142 (2020): The approved budget of the Academy of judges and public prosecutors decreased because in 2019, were planed more money for seventh generation of candidates on the Academy, but at the end it was concluded that less money are enough for the number of candidates that enter in the seventh generation. Because of that on the end of 2019, implementation of the budget was 757.941 euros. Approximately, 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.

Q142 (2019): Budget is lower in comparison with the budget from 2018 because in that budget were planed money for new generation on the Academy for judges and public prosecutors from the court and prosecutorial associates, but this generation was not realized.

Q143 (General Comment): There are different programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q143 (2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q143 (2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q144 (General Comment): There are different programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q144 (2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q144 (2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Q145 (General Comment): Every two years the Board of the Academy on the proposal of the Program Council of the Academy adopts The Program for continuous training of judges and public prosecutors. Also, there is separate special program for new elected judges and public prosecutors.

Q145 (2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q145 (2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q146 (General Comment): Every two years the Board of the Academy on the proposal of the Program Council of the Academy adopts The Program for continuous training of judges and public prosecutors. Also, there is separate special program for new elected judges and public prosecutors.

All events are organized according to the program for continuous training conducted by the Academy for judges and prosecutors.

Q146 (2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q146 (2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Q147-1 (2022): 2348 participants is total number for non-judges and non-prosecutors for in live trainings, and 91 is total number for non-judge and non-prosecutor staff for e-learning training. The Academy`s system can`t provide separate number for this category.

Q147-1 (2021): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 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.

In 2021 increased the number of organized trainings which also means increased number of participants.

Q147-1 (2020): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as "NA". 370 non-differentiated non-judge and non-prosecutor staffs participated on trainings (208 with physical presence and 162 participated online). In 2020, only 2 separate trainings were realized for the non-judge and non-prosecutor staff with physical presence, whereby a total of 56 non-judge and non-prosecutor staff participated, out of which 27 for non-judge and 29 for non-prosecutor staff, which are included in the total number of 370.

Q147 (2021): In 2021, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on-line. From a total of 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 and non-prosecutor staff and the days of training are therefore reflected under both categories.

In the column on -line training courses available in 2021, by the Academy were organized a total of 10 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 10 trainings, on 2 trainings participated judges, on 1 training participated public prosecutors, 7 trainings were organized as common for judges and prosecutors.

In 2021 the number of organized trainings increased in compared to 2020 when the number decreased because of the COVID 19 situation.

Q147 (2020): In 2020, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on line. From a total of 121 delivered trainings, 79 were delivered online (74 trainings for judges, 49 trainings for prosecutors, 0 for non-judge staff and non prosecutor staff and 6 for other categories). Because we don't have separate row for common trainings, in the total number of 211 available trainings in 2020, are included 79 which were planned to be common trainings for judges and public prosecutors. According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories. In the column on line training courses available in 2020, by the Academy were organized a total of 9 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 9 trainings, on 8 trainings participate judges, on 7 trainings participate public prosecutors, on all 9 trainings participate non-judge and non-prosecutor staff. For the numbers of participants please see the answer on Q147-1. The total number of trainings in 2020 in coparison with 2019 decreased because of the COVID 19 situation.

Q147 (2019): In other common training are included common trainings on which participate all judiciary professionals together: judges, public prosecutors, non-judge staff, non-prosecutor staff and other legal professionals (attorneys, bailiffs etc.). There was an increase in common trainings in 2019, due to the new multidisciplinary approach of the new management of the Academy.

Regarding online trainings, in 2019, three trainings were organized by the Academy in cooperation with KPMG in frame of the project for training on judges for implementation on the Law on tax in Albania, North Macedonia and Kosovo. Also, Academy on their website has online trainings for all steps of the criminal procedure. E-learning system has been developed in the frame of the project IPA 2008 „Further strengthening of the institutional capacities of the Academy for the training of judges and prosecutors“. On this system several different courses are developed (Initial training for the e-learning system, Interactive course for Outline EU Law e-Course pilot training; Interactive course for application on article 8 from the ECHR; Interactive course for application on article 10 from the ECHR; Interactive Course - Bribery through the Concept of an Official - Corruption; Interactive course - Confiscation of illegal property; Interactive Course - Juvenile Justice). Academy is currently working on improving and upgrading the existing E-learning platform, which in the future will allow following of more courses, with much more interactive contents, and users will have the opportunity to check their knowledge through tests that will bring them a certificate for the passed training. Also, currently this type of trainings are on voluntary basis and they are not mandatory for judges or public prosecutors. According to the new Law which is under preparation, when judge or public prosecutor will perform this type of training that will be calculate in the total numbers of trainings for that judge or public prosecutor, which is not a case in the moment.

Q150 (General Comment): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

Q150 (2021): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

Q150 (2019): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

Q151 (General Comment): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Q151 (2021): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Q151 (2019): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Q152 (General Comment): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Q152 (2021): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Q152 (2019): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Q153 (General Comment): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic 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 for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

Q153 (2021): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic 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 for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

Q153 (2019): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.

Q154 (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.

Q154 (2019): Training institution is Academy for judges and public prosecutors.

Q155 (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.

Q155 (2020): EU Law Number of participants: 16 judges with physical presence, 42 judges on line and 7 public prosecutors online.

EU Charter of Fundamental Rights/European Convention on Human Rights Number of participants: 21 judge and 7 public prosecutors with physical presence. 200 judges and 56 public prosecutors online. All trainings are delivered in cooperation between Academy for judges and public prosecutors and their foreign partners: EU Law trainings: TAIEX – 1 training, EIPA/Luxembourg – 1 training, EJTN – 4 trainings.

EU Charter of Fundamental Rights/European Convention on Human Rights trainings: OPDAT/USA-1 training, TAIEX/EU - 1 training, Council of Europe - 1 training, Council of Europe/JUFREX programme - 1 training, EIPA/Luxembourg - 1 training, OSCE Mission in Skopje - 3 trainings, BAR Chamber/Council of Europe - 1 training, Council of Europe/HELP programme - 11 trainings.

Q155 (2019): Trainings were organized in cooperation with TAIEX instrument of European Commission for technical support and information exchange, European Institute of Public Administration and EU Financed Project – Florazon.

Serbia

Q142 (2022): 4200813 e - total

4071987 e - from the budget of Republic of Serbia

128826 e - funded by donors

Q143 (General Comment): A Constitutional Court decision was passed regarding the Act on Judicial Academy provision related to election of the Academy candidates. Therefore, initial training is no longer compulsory prerequisite for election.

The candidates who successfully pass the admission exam to the JA become the users of the initial training. Beneficiaries of initial training, in accordance to the article 40 of the Law on Judicial Academy are employed for a fixed time of 30 months, in the Academy. The beneficiaries of initial training are paid 70% of elementary earnings of a basic court judge, during the fixed time employment in the Academy. Attendance to initial training is being considered as working experience in legal profession. The initial training is composed of practical and theoretical education, with knowledge and skill testing. Since 2012, when the first generation finished the Judicial Academy and until February 2019 (ending with VII generation that took exit test), 99 candidates were proposed for the first time election to a judicial or prosecutorial function.

Judges and prosecutors appointed for the first time who have not attended initial training (i.e. from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous training programme. According to the Law on Judges, Article 9, there is a possibility that the HJC assigns 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 first regular 3-year evaluation took place only in 2018).

Q143 (2021): Double-checked by competent institution.

Q143 (2020): We've increased the number of practices this year.

Q143 (2019): Based on decisions of the High Court Council (HCC), certain types of training which is regularly organised as optional by the JA becomes compulsory. For example, since the 2016-2018 evaluation cycle, the HCC has enacted decisions whereby presidents of courts and acting presidents must undergo training for management functions. Moreover, while ethics training is organised as optional training, based on a decision of the HCC an, project plan funded by IPA, supporting the HCC, training on ethics has become compulsory, organised through this project. Moreover, certain laws enacted in the recent period have provided that judges and pp's acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training.

In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen "optional" for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were selected among the judicial and prosecutorial assistants. Those 175 appointments represent 9.7 % of the total number of judicial and prosecutorial assistants. On the other hand, 76% of the JA graduates from the from the observed period have not been appointed (elected) yet (Assessment Report on Judicial Training, drafted as part of the TAIEX Peer Review Mission conducted in the period 7-9 June 2017).

The capacities of the JA have been improving yearly, based on a dedicated capacity building plan. Therefore, certain training which has previously occurred only sporadically, on the basis of donor support, has now become regular part of the training program (ex. IT training), organised occasionally.

Q144 (General Comment): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.

In general, the continuous training of judges is performed based on the Continuous Training Program adopted by Managing Board of the Academy every year for the next year.

Q144 (2021): Double-checked by competent institution.

Q144 (2020): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2020 training programme covered the 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.

Q144 (2019): In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen “optional” for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

Certain laws enacted in the recent period have provided that judges and pp’s acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training, which is why In-service training for specialised functions is now selected as compulsory.

In-service training for management functions, training for the use of computer facilities in office and on ethics are now being organised by the JA.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were selected among the judicial and prosecutorial assistants. Those 175 appointments represent 9.7 % of the total number of judicial and prosecutorial assistants. On the other hand, 76% of the JA graduates from the from the observed period have not been appointed (elected) yet (Assessment Report on Judicial Training, drafted as part of the TAIEX Peer Review Mission conducted in the period 7-9 June 2017).

The capacities of the JA have been improving yearly, based on a dedicated capacity building plan. Therefore, certain training which has previously occurred only sporadically, on the basis of donor support, has now become regular part of the training program (ex. IT training), organised occasionally.

Q145 (2022): In 2022 training program 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.

Q145 (2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted through evaluation of their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by the Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanour law, human rights 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.

Q146 (2022): In 2022 training programme covered the following areas: criminal, civil, labour, commercial, and administrative and misdemeanour 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.

Q146 (2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of prosecutors is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area. Article 165 of the Law on Juvenile Offenders and Criminal Legal Protection of Juveniles stipulates that the Judicial Academy, in cooperation with the Ministry of Justice, scholar institutions, professional associations and non-governmental organizations, has competence for providing special training and professional advancement to persons working in the area of rights of the child, juvenile offences and criminal legal protection of juveniles. The Academy is regularly organizing professional counselling, tests of knowledge and other forms of additional professional advancements and continuous training of judges for juveniles, public prosecutors for juveniles, judges and public prosecutors proceeding in criminal cases for criminal offences upon Article 150 of the Law, police officers, professional employees within the institutions of social protection, institutes and institutions for penal sanctioning, lawyers and other professionals. The Judicial Academy is issuing adequate certificates for the completed tests of knowledge and professional advancement. In addition to that, Article 28 of the Law on Prevention of Domestic Violence stipulates that competent police officers and public prosecutors, deputy public prosecutors and judges implementing the Law are obliged to complete specialized training in accordance with the program adopted by the Judicial Academy. The specialized training is conducted by the Judicial Academy for public prosecutors, deputy public prosecutors and judges, in cooperation with other professional institutions and organizations, and the specialized training is conducted for police officers by the Criminal-police Academy. Upon completed specialized training, the Judicial Academy and the Criminal-police Academy are issuing certificates on the completed training to the participants. The issuing and the form of the certificates are closely regulated by an act of the Judicial Academy and the Criminal-police Academy.

Q147-1 (2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

Q147 (2022): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. This is the reason why total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. For example, in 2022 Judicial Academy trained, together with judges and prosecutors, 1105 police officers and 643 lawyers.

Q147 (2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

Q147 (2019): Trainings are as a rule organised as common, which is why it is difficult to distinguish training for judges, prosecutors and staff. Currently, accurate statistics on the number of training courses delivered, expressed in days, do not exist. There were 358 training courses organised in 2019, with 8,934 participants 1,107 lecturers. No e-learning courses have been organised in 2019.

Q150 (2022): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy. In 2022 Judicial Academy organized 23 trainings devoted to topics of ethics and integrity for judges and prosecutors. For example, Academy organized 4 trainings entitled Professional ethics for judges and prosecutors covering following subtopics:

- Competencies for recognizing and solving ethical dilemmas
- Prevention and resolution of risky situations for the emergence of corruption
- Corruption and anti-corruption tools
- Responsibility for ethical behavior

Furthermore, Judicial Academy organized 10 trainings "Protection against undue influence on judges" for the new elected judges of basic courts in the whole country. It covered the following subtopics:

- The notion of undue influence in the judiciary;
- Judicial independence and protection from undue influence on judges - international standards and national legal framework;
- Guide for judges - protection from unauthorized influence;
- Types of undue influence, mechanisms for protection against undue influence and examples from comparative and domestic practice.

Solely for prosecutors Academy organized 3 trainings for trainers coverings following topics:

- External illegal and inappropriate influence by public officials, politicians and other sources (economic, corruption, dissatisfied individuals, etc.)
- External illegal and inappropriate media influence.
- Internal illegal and inappropriate influence (within the prosecution).

Q150 (2019): Judges and prosecutors working in specialized departments for suppression of corruption have to undergo specialization on all relevant topics concerning fighting corruption, i.e. there are numerous courses covering this target group.

Q151 (2019): The average length of training dedicated to ethics is 1 day, the prevention of corruption 2 days and conflicts of interest 2 days.

Q153 (2022): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

Q153 (2021): Prosecution offices have appointed, specialized prosecutors for cases of domestic violence. In addition, 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.

Q153 (2020): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

Q155 (2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

Q155 (2019): EU LAW: EU Info Center

EU Charter of Fundamental Rights/European Convention on Human Rights : OSCE; UN

Kosovo*

Q142 (2022): Based on the Law on the Academy of Justice, Kosovo has a joint institution that provides training for judges and prosecutors, administrative staff of courts and prosecutors' offices, as well as, according to the possibility and requirements, also for the free professions and other legal professionals.

The budget that was available for the year 2022 is a total of 660,149 euros, within which were all expenses for training, staff payments and other categories of goods and services. With the Law on the Budget of the Republic of Kosovo for the year 2022, the initial budget for this year was 660,149.00 euros, for all economic categories including salaries and wages, goods and services and municipal expenses.

The total amount of donations made for 2022 was 27,007.11 euros, from JUFREX the donation is 12,007.11 euros, of which 4,227.11 are carryovers from 2021 and 7,780.00 euros are donations this year, a donation of 15,000.00 euros was made by UNDP this year, while 24,607.11 euros were spent from the total donations for this year, and the remainder for the next year is 2,400.00 euros unspent donation from UNDP.

Q142 (2020): The initial budget of the Academy of Justice has been 964,342, however, because of the budgetary cuts by government the the final budget for 2020 has been 519903. When we refer to budgetary cuts, we always mean because of the pandemic situation.

Q143 (2022): General training during service, or continuous training for judges as stated by the Law on the Academy of Justice is in principle voluntary, while the training quota is determined by the KJC for mandatory training within the year.

Also, for specialized functions, such as the case for a judge of the Economic Court, training is mandatory.

Training for CMIS has been mandatory training. In the reporting period, there was a training for Registers, statistical reports and dashboards of CMIS which was dedicated to the administrative staff of the courts, namely heads of the office for case management, statistical officers, administrators and assistant administrators of the courts in which they participated 35 participants from all courts.

We have highlighted the in-service training on child-friendly justice as optional for all judges, since all without exception have the opportunity to participate in training, while juvenile judges choose to continue training in this field as they are within the scope of their work competencies.

In-service ethics training is mandatory for all judges except for judges who are 2 years before retirement. However, for 2022, the Judicial Council has removed the obligation for ethics training, which is why we have emphasized that it was optional.

In addition to professional training, the program also offers interdisciplinary training, which is why judges also participate in other trainings during their service.

Q144 (2022): In principle, ongoing training for prosecutors is voluntary, however, during a calendar year, all prosecutors must participate in at least three (3) trainings. All trainings according to the order in the questionnaire can become mandatory if this is assessed by the Unit for review and evaluation of performance in the KPK and in cases where there are legislative changes, when the prosecutor is promoted in office as well as for professional ethics.

According to Regulation No. 01/2020 for training and professional development in the prosecutorial system, Ethics training is mandatory.

For each field according to the weight, the same description applies as for the judges.

Q145 (General Comment): There are on-going trainings throughout the year.

Q145 (2022): Continuous trainings are offered annually and judges based on the legal framework according to experience must participate in trainings according to competence from 1 day of training per year to 7 days of training. This quota is often exceeded, especially by judges at the basic level.

Specialized trainings are offered every year and are for commercial issues, prevention of corruption, domestic violence, money laundering, etc. and the participation of judges in these trainings is indisputable.

In-service training for court leadership functions (e.g. court president) is provided annually, however, on an as-needed basis.

The training program of the AD every year has as part of the training curriculum the topics according to the description in the table and in each of these trainings judges who are competent and decide the relevant cases participate.

Q145 (2019): There are on-going trainings throughout the year, with the exception of July and August

Q146 (General Comment): There are on-going trainings throughout the year, with the exception of July and August

Q146 (2022): Continuous briefings are offered every year and prosecutors participate in at least 3 trainings during the year as required by the legal framework. This quota is exceeded especially by the basic level prosecutors.

The comments provided about the frequency of training of judges also apply to prosecutors.

Q146 (2019): There are on-going trainings throughout the year, with the exception of July and August

Q147-1 (2022): Besides 3,810 participants judges, prosecutors, non-judge staff and non-prosecutor staff, the total number of participants at the Academy of Justice was 4,374 participants, including the participants from 139 trainings for private enforcement agents, free legal aid officers and victims' defenders, 289 other participants from the Probation Service, Kosovo Police, lawyers, Center for Social Work, Financial Intelligence Unit, etc.

Q147 (2022): -In the total number of trainings 209, there were also 114 joint trainings for judges and prosecutors, 145 continuous trainings programme, 10 trainings for free legal professions, 7 training of trainers. For non-judge staff and For non-prosecutor staff there were 33 joint trainings.

-Regarding the category Number of days of delivered live (in person, hybrid, video conference) trainings, the total number of 354 days includes 237 trainings jointly for judges and prosecutors, 35 days trainings only for judges, 10 days only for prosecutors, 36 days of trainings jointly for non-judge and non-prosecutor staff. Furthermore, there were 10 days training for free legal professions and 19 days for trainings for trainers.

Q147 (2020): With regard to online courses, because of the pandemic situation, during 2020 have been organized a higher number of online training courses for judges and prosecutors compared to the number of online training courses available: 68 training courses for Judges(111 days), 48 training courses for 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 person.

Q150 (General Comment): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their competencies and jurisdiction.

Q150 (2022): AJ has the obligation that the training program is adequate with the training needs and requirements that have resulted from the strategies at the national level and other integration reports. Therefore, there is a continuous program of training for the prevention of corruption and conflict of interest, and as a target there are judges and prosecutors who deal with the relevant cases and mainly from the special department, the department for serious crimes.

From the point of view of the AJ, these trainings should be mandatory, while the strategies and other monitoring reports of the justice system estimate that there is no significant progress and improvement is needed in the fight against these crimes.

In the comments above, it has been highlighted that the competent authority to specifically determine the mandatory trainings are KJC and KPC. Currently, the training regulations of the two councils have emphasized mandatory training according to performance evaluation, when there are legislative changes, according to experience and ethical issues.

Q150 (2019): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their competencies and jurisdiction.

Q153 (2022): To the trainings carried out on domestic violence and training against the sexual integrity of children.

Q153 (2019): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to the Academy of Justice where it proposes training topics for prosecutors and domestic violence and sexual violence are part of the many topics included in this document.

Q154 (2019): All trainings are organized by Academy of Justice

Q155 (2022): A total of 16 trainings for ECHR were carried out, 13 of them were supported by EU projects such as JUFREX, OSCE, EKOJUST and GIZ

1 training on Domestic violence and violence against women and 1 by EJTN on Freedom of Expression in the digital age were conducted by HELP, this training was conducted with the physical participation of 2 Legal Advisors from the Constitutional Court.

Indicator 7- Training

by question No.

Question 142. What is the implemented 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 trainings during the reference year

Question 147. Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

Question 150. Do judges/public prosecutors have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest?

Question 151. If yes, what is the duration of this training in total?

Question 152. If yes, how often during their career do they need to participate on this training?

Question 153. Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

Question 154. Number of in-service trainings available (planned/offered) and delivered (organized) (in total and in days) in the reference year by the public institution(s) responsible for training concerning the following categories

Question 142

Albania

(2022): The amount provided by the State Budget to the School of Magistrates is 2 470 872 EURO

The total amount of funds given to the SoM by donors in 2022 is: 1 997 EURO.

(2019): Please note that under the justice reform laws, namely the law on the governance organs of the justice system, adopted at the end of 2016, the school of magistrates is in charge of initial training of not only judges and prosecutors (as it previously was) but also of state advocates, legal advisers and chancellors. Hence, the increase in budget since 2016 and as compared with 2018 data.

Bosnia and Herzegovina

(General Comment): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors.

(2022): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2022 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 281 970 EUR. Budget funds for the Center for Education of Judges and Prosecutors in the Republic of Srpska have increased as material costs rose in 2022 due to the growth of inflation. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 333 132 EUR. Many of training courses delivered in the training institutions are prepared by domestic experts who are financed by external donors. The external donor funds used for this purpose are not included in the budget of the training institutions. In addition, the training institutions spent grants worth EUR 38.985,57 provided within the specific projects by the external donors in 2022, (i.e. the external donors which provided the grants were: UNICEF, the Council of Europe - SOUTH-EAST EUROPE Freedom of expression, The AIRE Centre - Advice on Individual Rights in Europe).

(2021): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 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 donors. The external donor funds used for this purpose are not included in the budget of the training institutions.

(2020): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2020 were: The Judicial and Prosecutorial Training Centre of Republika Srpska - 227320. The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 312924; the Parliament of the Federation of Bosnia and Herzegovina cut the funds allocated to the training center for 2020 within the general budget rebalancing procedure amid the implementation of the measures fighting the coronavirus crisis.

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. Their respective adopted budgets for 2019 are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska - 215100€ The Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina - 386014€

Montenegro

(2022): Out of the total amount of the implemented budget of the Centre for Training in Judiciary and State Prosecution (CTJSP) stated in the table above, the funds in amount of 21,296.00€ come from the donation - THE GRANT AGREEMENT BETWEEN THE COUNCIL OF EUROPE AND THE CENTRE FOR TRAINING IN JUDICIARY AND STATE PROSECUTION OF MONTENEGRO.

Note: The amount of 240.540,51 € represents financial support from international and domestic partners for training activities organized in cooperation with the CTJSP). The total amount includes also donor support as recommended to be included by Cepej.

(2020): NOTE. Funds for the work of the Centre shall be allocated in the special portion of the Budget of Montenegro in the amount of 2% of the allocated budget for judiciary and state prosecution service. Article 53 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)). The budget allocated to the Centre for Training in Judiciary and State Prosecution still remains below the statutory minimum of 2% of the budget allocated to the judiciary and prosecution.

In addition to the amount allocated from the public budget for training activities, the Centre obtained financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre. Anyway, upon the collected data, it is visible that financial support of the international partners in 2020 amounted to around – 169,784.62 €

(2019): In addition to the amount allocated from the public budget for training activities, the Centre obtained significant financial support from international partners for implementation of training activities. However, the Centre does not have exact information, since a number of international partners did not submit the report on funds allocated for training activities which were implemented in cooperation with the Centre. Anyway, upon the collected data, it is visible that financial support of the international partners in 2019 amounted to around 383,825.00EUR .

North Macedonia

(2022): Implemented budget from donors: 52 640 €.

(2021): The approved budget increased because in 2021 started new (eighth) generation of candidates on the Academy of judges and public prosecutors.

(2020): The approved budget of the Academy of judges and public prosecutors decreased because in 2019, were planed more money for seventh generation of candidates on the Academy, but at the end it was concluded that less money are enough for the number of candidates that enter in the seventh generation. Because of that on the end of 2019, implementation of the budget was 757.941 euros. Approximately, 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.

(2019): Budget is lower in comparison with the budget from 2018 because in that budget were planed money for new generation on the Academy for judges and public prosecutors from the court and prosecutorial associates, but this generation was not realized.

Serbia

(2022): 4200813 e - total

4071987 e - from the budget of Republic of Serbia

128826 e - funded by donors

Kosovo*

(2022): Based on the Law on the Academy of Justice, Kosovo has a joint institution that provides training for judges and prosecutors, administrative staff of courts and prosecutors' offices, as well as, according to the possibility and requirements, also for the free professions and other legal professionals.

The budget that was available for the year 2022 is a total of 660,149 euros, within which were all expenses for training, staff payments and other categories of goods and services. With the Law on the Budget of the Republic of Kosovo for the year 2022, the initial budget for this year was 660,149.00 euros, for all economic categories including salaries and wages, goods and services and municipal expenses.

The total amount of donations made for 2022 was 27,007.11 euros, from JUFREX the donation is 12,007.11 euros, of which 4,227.11 are carryovers from 2021 and 7,780.00 euros are donations this year, a donation of 15,000.00 euros was made by UNDP this year, while 24,607.11 euros were spent from the total donations for this year, and the remainder for the next year is 2,400.00 euros unspent donation from UNDP.

(2020): The initial budget of the Academy of Justice has been 964,342, however, because of the budgetary cuts by government the the final budget for 2020 has been 519903. When we refer to budgetary cuts, we always mean because of the pandemic situation.

Question 143

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes "as needed" intending to say, "according to the needs of the system". This means that we organize them regularly but according to the needs of the in-service magistrates.

(2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

Bosnia and Herzegovina

(General Comment): The relevant legislation on juvenile criminal justice requires that in-service training for specialized functions is obligatory for prosecutors and judges assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases. This program lasts 4 days and covers 4 topics. In addition, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided that as of 2022 an in-service online training on ethics, prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. Furthermore, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has introduced in 2022 a mandatory managerial training for newly appointed court presidents and chief prosecutors: it includes the following topics: 1) Developing leadership and management skills 2) Proactive role of court presidents 3) Electronic tools for managers, and 4) Modern public relations. Moreover, all chief prosecutors and court presidents are required to attend the training on the role of chief prosecutors and court presidents in preserving the judicial integrity.

(2019): In-service training for specialized functions is obligatory only for the judicial office holders assigned to work on criminal cases involving juveniles; they must take certain training courses in order to be able to work on such cases.

Montenegro

(General Comment): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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 trainings for management functions in courts are organized in accordance with current needs and, thus, these are not compulsory. When it comes to training activities for the use of computer facilities in office, these training activities are organized and conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

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North Macedonia

(General Comment): There are different programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

(2021): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

(2019): There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

Serbia

(General Comment): A Constitutional Court decision was passed regarding the Act on Judicial Academy provision related to election of the Academy candidates. Therefore, initial training is no longer compulsory prerequisite for election.

The candidates who successfully pass the admission exam to the JA become the users of the initial training. Beneficiaries of initial training, in accordance to the article 40 of the Law on Judicial Academy are employed for a fixed time of 30 months, in the Academy. The beneficiaries of initial training are paid 70% of elementary earnings of a basic court judge, during the fixed time employment in the Academy. Attendance to initial training is being considered as working experience in legal profession. The initial training is composed of practical and theoretical education, with knowledge and skill testing. Since 2012, when the first generation finished the Judicial Academy and until February 2019 (ending with VII generation that took exit test), 99 candidates were proposed for the first time election to a judicial or prosecutorial function.

Judges and prosecutors appointed for the first time who have not attended initial training (i.e. from the rank of judicial assistants, lawyers, and other jurists) must attend a mandatory special continuous training programme. According to the Law on Judges, Article 9, there is a possibility that the HJC assigns 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 first regular 3-year evaluation took place only in 2018).

(2021): Double-checked by competent institution.

(2020): We've increased the number of practices this year.

(2019): Based on decisions of the High Court Council (HCC), certain types of training which is regularly organised as optional by the JA becomes compulsory. For example, since the 2016-2018 evaluation cycle, the HCC has enacted decisions whereby presidents of courts and acting presidents must undergo training for management functions. Moreover, while ethics training is organised as optional training, based on a decision of the HCC an, project plan funded by IPA, supporting the HCC, training on ethics has become compulsory, organised through this project. Moreover, certain laws enacted in the recent period have provided that judges and pp's acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training.

In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen "optional" for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were selected among the judicial and prosecutorial assistants. Those 175 appointments represent 9.7 % of the total number of judicial and prosecutorial assistants. On the other hand, 76% of the JA graduates from the from the observed period have not been appointed (elected) yet (Assessment Report on Judicial Training, drafted as part of the TAIEX Peer Review Mission conducted in the period 7-9 June 2017).

The capacities of the JA have been improving yearly, based on a dedicated capacity building plan. Therefore, certain training which has previously occurred only sporadically, on the basis of donor support, has now become regular part of the training program (ex. IT training), organised occasionally.

Kosovo*

(2022): General training during service, or continuous training for judges as stated by the Law on the Academy of Justice is in principle voluntary, while the training quota is determined by the KJC for mandatory training within the year.

Also, for specialized functions, such as the case for a judge of the Economic Court, training is mandatory.

Training for CMIS has been mandatory training. In the reporting period, there was a training for Registers, statistical reports and dashboards of CMIS which was dedicated to the administrative staff of the courts, namely heads of the office for case management, statistical officers, administrators and assistant administrators of the courts in which they participated 35 participants from all courts.

We have highlighted the in-service training on child-friendly justice as optional for all judges, since all without exception have the opportunity to participate in training, while juvenile judges choose to continue training in this field as they are within the scope of their work competencies.

In-service ethics training is mandatory for all judges except for judges who are 2 years before retirement. However, for 2022, the Judicial Council has removed the obligation for ethics training, which is why we have emphasized that it was optional.

In addition to professional training, the program also offers interdisciplinary training, which is why judges also participate in other trainings during their service.

Question 144

Albania

(2019): In the end of 2016, as part of the justice reform law, law No 96/2016 "ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA" was adopted. The law makes it mandatory for a magistrate must to attend the continuous training and take all other reasonable steps to keep him/herself updated about relevant legislative and case law developments.

The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years.

Bosnia and Herzegovina

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Montenegro

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The only compulsory specialized training is the training for state prosecutors for the juveniles (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 current needs and, thus, these are not compulsory. When it comes to training activities for the use of computers in state prosecution offices, these training activities are organized and conducted by the other authorities such as Prosecutorial Council and Human Resource Management Authority.

(2020): NOTE: Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

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Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the State prosecutors holds regular trainings on the topic of ethics in State Prosecution offices. Also, the Commission submits the proposal to the Center for Training in Courts and State Prosecution Office of the topic of ethics, so this topic is the part of the trainings organised by the Center within their competence.

North Macedonia

(General Comment): There are different programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

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Serbia

(General Comment): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work. Currently, following laws require the mandatory trainings for judges dealing with specific kind of cases: Law on Determining the Origin of Property and the Special Tax, Law on Juvenile Offenders and Criminal Protection of Juveniles, Law on establishing facts about the status of new-born children suspected to have disappeared from maternity wards in the Republic of Serbia, Law on Prevention of Domestic Violence and Law on Organization and Jurisdiction of the State Bodies in Combating Organized Crime, Terrorism and Corruption.

In general, the continuous training of judges is performed based on the Continuous Training Program adopted by Managing Board of the Academy every year for the next year.

(2021): Double-checked by competent institution.

(2020): In article 43 of the Law on Judicial Academy Continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2020 training programme covered the 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.

(2019): In Serbia there exist two parallel ways of access to the career of a judge or a prosecutor: as a judicial or prosecutorial assistant (or any other candidate who fulfils the condition prescribed by Law) or as a Judicial Academy (JA) graduate. Therefore, having in mind the two tracks to become a judge/pp, the type of training may be initial training or general in service training (optional between the two tracks). We have chosen “optional” for both types of training as it reflects better the two track system. However, choosing and undergoing one of the two tracks is still compulsory.

Certain laws enacted in the recent period have provided that judges and pp’s acting in certain fields (ex. Anti-corruption) must undergo certain additional types of compulsory training, which is why In-service training for specialised functions is now selected as compulsory.

In-service training for management functions, training for the use of computer facilities in office and on ethics are now being organised by the JA.

In the period 2014-2016, 196 judges and deputy-prosecutors were appointed (elected) at first instance level, out of which only 21 (10.7 %) have graduated the Judicial Academy. The remaining 175 (89.3 %) were selected among the judicial and prosecutorial assistants. Those 175 appointments represent 9.7 % of the total number of judicial and prosecutorial assistants. On the other hand, 76% of the JA graduates from the from the observed period have not been appointed (elected) yet (Assessment Report on Judicial Training, drafted as part of the TAIEX Peer Review Mission conducted in the period 7-9 June 2017).

The capacities of the JA have been improving yearly, based on a dedicated capacity building plan. Therefore, certain training which has previously occurred only sporadically, on the basis of donor support, has now become regular part of the training program (ex. IT training), organised occasionally.

Kosovo*

(2022): In principle, ongoing training for prosecutors is voluntary, however, during a calendar year, all prosecutors must participate in at least three (3) trainings. All trainings according to the order in the questionnaire can become mandatory if this is assessed by the Unit for review and evaluation of performance in the KPK and in cases where there are legislative changes, when the prosecutor is promoted in office as well as for professional ethics.

According to Regulation No. 01/2020 for training and professional development in the prosecutorial system, Ethics training is mandatory.

For each field according to the weight, the same description applies as for the judges.

Question 145

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

(2019): The continuous training period is: a) Not less than five full days per year and not less than 30 full days during five years; b) Not more than 40 full days per year and 200 full days during five years. Hence, a judge has to undergo continuous training at least 5 days per year. The training should be relevant to his function.

Bosnia and Herzegovina

(General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Montenegro

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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)).

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.

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

(2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority.

(2019): Around 97% of judges participate in in-service training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at 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)).

North Macedonia

(General Comment): Every two years the Board of the Academy on the proposal of the Program Council of the Academy adopts The Program for continuous training of judges and public prosecutors. Also, there is separate special program for new elected judges and public prosecutors.

(2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

(2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Serbia

(2022): In 2022 training program 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.

(2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted through evaluation of their work.

The continuous training of judges is performed based on the Continuous Training Programme adopted by the Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanour law, human rights 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.

Kosovo*

(General Comment): There are on-going trainings throughout the year.

(2022): Continuous trainings are offered annually and judges based on the legal framework according to experience must participate in trainings according to competence from 1 day of training per year to 7 days of training. This quota is often exceeded, especially by judges at the basic level.

Specialized trainings are offered every year and are for commercial issues, prevention of corruption, domestic violence, money laundering, etc. and the participation of judges in these trainings is indisputable.

In-service training for court leadership functions (e.g. court president) is provided annually, however, on an as-needed basis.

The training program of the AD every year has as part of the training curriculum the topics according to the description in the table and in each of these trainings judges who are competent and decide the relevant cases participate.

(2019): There are on-going trainings throughout the year, with the exception of July and August

Question 146

Albania

(2022): A training topic may be developed regularly or occasionally in different academic years. This is a different variable since the calendar of continuing education training activities itself is variable from one academic year to another. The components that influence the variability of this data are mainly the needs of the justice system for the development of training activities in a specific direction or field, as well as the selection of this topic by the main beneficiaries of continuing education, which are the in-service magistrates.

In other words, after we conduct the needs assessment process and collect the concrete needs of in-service magistrates, we organize the training activities. This is why we have checked the boxes “as needed” intending to say, “according to the needs of the system”. This means that we organize them regularly but according to the needs of the in-service magistrates.

Bosnia and Herzegovina

(General Comment): Judges and prosecutors are offered general in-service training, as well as specialized training, every year.

(2019): Number of days per year for in-service training for all judicial office holders is from minimum 3 to maximum 10 days. The judicial office holders may choose between training topics, which are related to the issues they most frequently work on.

The newly appointed judicial office holders must complete specially designed training courses at the judicial training centre within 6 months of their appointment. In order to qualify for appointment to judicial or prosecutorial office, one must have passed a bar examination and have a certain number of years of practical experience after having passed the bar examination.

Montenegro

(2022): Judges and state prosecutors shall have the right and duty to attend the in-service training for 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)).

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

(2021): Since 2021, training activities on ethics have become a regular part of the annual in-service training programme

(2020): Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

When it comes to training activities for the use of computers in courts, these training activities are conducted by the other authorities such as the Judicial Council and Human Resource Management Authority

(2019): Around 97% of state prosecutors participate in training activities organized by the Centre for Training in Judiciary and State Prosecution at the annual level (around 80 activities per year). Judges and state prosecutors have the right and obligation to attend the training they apply for upon their own interest, at least two working days per year (Article 45 paragraph 2 of the Law on the Centre for Training in Judiciary and State Prosecution (“Official Gazette of Montenegro” no. 58/2015)).

Additional comment: In practice, Commission for Monitoring the Implementation of the Code of Ethics of the State prosecutors holds regular trainings on the topic of ethics in State Prosecution offices. Also, the Commission submits the proposal to the Center for Training in Courts and State Prosecution Office of the topic of ethics, so this topic is the part of the trainings organised by the Center within their competence.

North Macedonia

(General Comment): Every two years the Board of the Academy on the proposal of the Program Council of the Academy adopts The Program for continuous training of judges and public prosecutors. Also, there is separate special program for new elected judges and public prosecutors.

All events are organized according to the program for continuous training conducted by the Academy for judges and prosecutors.

(2021): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

(2019): There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

Serbia

(2022): In 2022 training programme covered the following areas: criminal, civil, labour, commercial, and administrative and misdemeanour 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.

(2019): Pursuant to Article 43 of the Law on Judicial Academy, continuous training is mandatory when required by the law or by the decision of the High Judicial Council and the State Prosecutorial Council in the event of a change in specialization, significant changes in regulations, the introduction of new methods of work and the elimination of shortcomings in the work of judges and deputy public prosecutor noted in evaluating their work.

The continuous training of prosecutors is performed based on the Continuous Training Programme adopted by Managing Board of the Academy every year for the next year. In 2018, the training programme covered the following areas: criminal, civil, labor, commercial, and administrative and misdemeanor law, human rights and European Union law. The training aimed at acquiring and improving special knowledge and skills (such as integrity and ethics, computer literacy) was singled out as a separate area. Article 165 of the Law on Juvenile Offenders and Criminal Legal Protection of Juveniles stipulates that the Judicial Academy, in cooperation with the Ministry of Justice, scholar institutions, professional associations and non-governmental organizations, has competence for providing special training and professional advancement to persons working in the area of rights of the child, juvenile offences and criminal legal protection of juveniles. The Academy is regularly organizing professional counselling, tests of knowledge and other forms of additional professional advancements and continuous training of judges for juveniles, public prosecutors for juveniles, judges and public prosecutors proceeding in criminal cases for criminal offences upon Article 150 of the Law, police officers, professional employees within the institutions of social protection, institutes and institutions for penal sanctioning, lawyers and other professionals. The Judicial Academy is issuing adequate certificates for the completed tests of knowledge and professional advancement. In addition to that, Article 28 of the Law on Prevention of Domestic Violence stipulates that competent police officers and public prosecutors, deputy public prosecutors and judges implementing the Law are obliged to complete specialized training in accordance with the program adopted by the Judicial Academy. The specialized training is conducted by the Judicial Academy for public prosecutors, deputy public prosecutors and judges, in cooperation with other professional institutions and organizations, and the specialized training is conducted for police officers by the Criminal-police Academy. Upon completed specialized training, the Judicial Academy and the Criminal-police Academy are issuing certificates on the completed training to the participants. The issuing and the form of the certificates are closely regulated by an act of the Judicial Academy and the Criminal-police Academy.

Kosovo*

(General Comment): There are on-going trainings throughout the year, with the exception of July and August

(2022): Continuous briefings are offered every year and prosecutors participate in at least 3 trainings during the year as required by the legal framework. This quota is exceeded especially by the basic level prosecutors.

The comments provided about the frequency of training of judges also apply to prosecutors.

(2019): 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 substantially increased

(2020): Non-judge and non-prosecutor staff: 630 participants in in-person training courses and 337 participants in online training courses

Montenegro

(2022): In addition, as per the column one 121 other participants (representatives of state institutions, law enforcement officers, lawyers, etc) undergone through training. Comment: The participants in the training activities also included other legal professionals, i.e. the representatives of the Ministry of Justice (and Human and Minority Rights), notary public offices, the Ministry of Finance and Social Welfare, LGBTQ organizations and Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).

Note: (comment ref. column 3 - Total): The total of 108 participants in training activities includes: 31 judges, 6 prosecutors, 42 non-judge staff (3 candidates for judges + 27 advisors from courts + 12 trainees from courts), 7 non-prosecutor staff (4 candidates for state prosecutors + 3 advisors from state prosecution offices), 22 legal professionals from other public institutions (5 lawyers, 11 the Ministry of Justice (and Human and Minority Rights) + 1 notary public offices + 1 the Ministry of Finance and Social Welfare + 3 LGBTQ organizations + 1 Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).

Note: (comment ref. column 3 - Non-judge staff): 3 candidates for judges + 27 advisors from courts + 12 trainees from courts.

Note: (comment ref. column 3 - Non-prosecutor staff): 4 candidates for state prosecutors + 3 advisors from state prosecution offices.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2022, the CTJSP organized training for 108 interns, of which 88 are interns in courts and 20 in state prosecutor's offices. The trainees were divided into five groups, and a total of 23 trainings were conducted (2 live and 21 online), i.e. 55 days of training.

(2021): This change was caused by COVID-19 pandemic. Owing to the aforementioned change, the Centre now has 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.

(2020): Note: Additional to above numbers in non-prosecutor and non-judge staff we did not count trainees/ interns in courts and state prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/ interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination ("Official Gazette of Montenegro", no.55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State Prosecution Offices which was adopted in January 2018. In 2020, the Centre organised 24 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

(2022): 2348 participants is total number for non-judges and non-prosecutors for in live trainings, and 91 is total number for non-judge and non-prosecutor staff for e-learning training. The Academy's system can't provide separate number for this category.

(2021): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as NA. 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.

In 2021 increased the number of organized trainings which also means increased number of participants.

(2020): The Academy usually organizes common trainings for judges, prosecutors, non-judge and non-prosecutor staff. Some of those participants cannot be differentiated (between non-judge and non-prosecutor staff) and those categories are therefore answered as "NA". 370 non-differentiated non-judge and non-prosecutor staffs participated on trainings (208 with physical presence and 162 participated online). In 2020, only 2 separate trainings were realized for the non-judge and non-prosecutor staff with physical presence, whereby a total of 56 non-judge and non-prosecutor staff participated, out of which 27 for non-judge and 29 for non-prosecutor staff, which are included in the total number of 370.

Serbia

(2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

Kosovo*

(2022): Besides 3,810 participants judges, prosecutors, non-judge staff and non-prosecutor staff, the total number of participants at the Academy of Justice was 4,374 participants, including the participants from 139 trainings for private enforcement agents, free legal aid officers and victims' defenders, 289 other participants from the Probation Service, Kosovo Police, lawyers, Center for Social Work, Financial Intelligence Unit, etc.

Question 147

Albania

(2022): The total does not match as SoM does not organize trainings only for judges or only for prosecutors. In the table of training activities, trainings are defined which are addressed to a specific target group such as judges, prosecutors, judicial police officers, state lawyers, administrative staff of courts or prosecutions, chancellors, etc. but most of the training activities are open to all subjects whose law recognizes the right to be trained by the School of Magistrates. So, apart from the fact that there are trainings with a certain target group, the same trainings where judges have participated, prosecutors have also participated, especially when it comes to dealing with procedural law, where the confrontation of the prosecutor's perspective with the court is quite important. In this case, in 76 trainings for judges, there were trainings dedicated only to judges, but also trainings where there were judges, prosecutors and other subjects of the justice system.

(2021): Please note that more attention is being given to initial training, as the number of new students has substantially increased

(2020): The decrease in the number of in-person training course in days is due to Covid-19 related restrictions

Bosnia and Herzegovina

(2021): Number of in-service training courses in 2021 were provided by the institutions for the training of judges and 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.

Other professionals: The data in the table refers to the training courses that were available for the legal advisers working in prosecutors' offices and courts.

(2020): Number of delivered in-person training courses plummeted in 2020 as a result of the measures taken against the spread of coronavirus.

Number of on-line training courses increased considerably in 2020 as a result of the measures taken against the spread of coronavirus.

(2019): The number of on-line training courses was much lower in 2019 compared to 2018, because the judicial training centers did not deliver the planned on-line courses due to the lack of resources and other unforeseen circumstances.

Montenegro

(2022): - In cooperation with HELP Programme for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals), the Centre organized 2 (two) HELP e-learning courses and participated in 1 (one) regional HELP online course:

- The first HELP online course – e-learning (21 February to 21 April 2022) - The total of 40 participants successfully completed this course (in effective duration of 12 hours) - 8 judges, 3 state prosecutors, 12 advisors from courts, 3 advisors from state prosecution offices, 3 trainees from courts, 2 candidates for judges, 4 candidates for state prosecutors, 2 lawyers and 3 representatives of the Ministry of Justice and Human and Minority Rights of Montenegro.
- The second HELP online course - e-learning (21 September – 21 November 2022) - The total of 38 participants successfully completed this course (in effective duration of 18 hours) – 7 judges, 1 state prosecutor, 11 advisors from courts, 5 trainees from courts, 1 candidate for a judge, 3 lawyers, 6 representatives of the Ministry of Justice of Montenegro, 3 representatives of LGBTQ organizations and 1 representative of the Institution of the Protector of Human Rights and Freedoms of Montenegro (Ombudsman).
- The regional HELP online course (29 March – 29 May 2022) organized by the Council of Europe HELP Programme and the United Nations High Commissioner for Refugees (UNHCR) – the participants herein attended separate courses in relation to the country they come from, which were translated into all languages of the Western Balkan countries and adapted to respective national legislation. The total of 11 participants successfully completed this course – 2 judges, 3 advisors from courts, 2 trainees from courts, 2 representatives of the Ministry of Justice of Montenegro, 1 representative of the Notary Office in Cetinje and 1 representative of the Ministry of Finance and Social Welfare.

The Centre participates in the activities offered by the European Judicial Training Network (EJTN) despite its status of an observer. During 2022, owing to the Centre’s role of an intermediary and the invitation to participate in training activities, 19 representatives of the Montenegrin judiciary (14 judges, 2 state prosecutor, 2 trainees from courts and 1 advisor from a court) participated herein. These training activities encompassed 6 one-hour online seminars, 1 two-and-a-half-hour online seminar, 1 two-day online workshop, 2 two-day virtual study visits to the ECtHR and 1 in-person seminar.

- Finally, in 2022, owing to the role of the Centre as an intermediary and the invitation to participate in online training activities and face-to-face activities organised by foreign partners (at the regional and European level), the total of 108 representatives of Montenegrin judiciary participated in 38 training activities (51 judges, 15 special prosecutors, 18 state prosecutors, 13 candidates for a judge, 4 advisors from Special State Prosecution Office, 4 advisors from state prosecution offices, 1 advisor from a court and 2 trainees in courts). – PLEASE NOTE : This number DOES NOT include unique participants. Note: (comment ref. column 5) In total, 16,5 training days: (3 HELP courses: two 12-hour courses (4 training days) and one 18-hours course (3 training days) + EJTN two-day online workshop (2 training days), 2 EJTN two-day virtual study visits to the ECtHR (4 training days), 1 EJTN two-day in-person seminar (2 training days) + 6 one-hour online seminars and 1 two-and-a-half-hour online seminar (1 and a half training day))

(2021): - Yes, other legal professions are invited for certain trainings, the table above shows the number of trainings 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 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 Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.

- In non-prosecutor and non-judge staff we did not count trainees/interns in courts and state prosecution offices. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State Prosecution Offices and Bar Examination (“Official Gazette of Montenegro”, no. 55/2016 and 57/2016) and upon the Training Programme for Trainees in Courts and State

(2020): Note: Total - online training courses available (e learning) - 40 training days

For judges - online training courses available (e learning) - 33 training days

For prosecutors - online training courses available (e learning) - 25 training days

For non judge staff - online training courses available (e learning) - 18 training days

For non-prosecutor staff - online training courses available (e learning) - 15 training days

Training for other professionals - online training courses available (e learning) - 15 training days

Note: The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 10 training activities of this kind in 2020 and these lasted for 13 days.

Advisors from courts and State prosecution also have the right to participate in trainings intended for judges and state prosecutors (they are allowed to participate in continuous training in case that judges and state prosecutors are prevented to attend the trainings) From the number of 34 online only 2 training activities planned to be online (CE HELP program e-learning courses). The rest of the number are training that were planned to be in-person but due the situation which is caused by covid pandemic we organized it online. The training that were supposed to be in-person we adapted to the online format-shorter lecture time, encourage participants to use online platforms for training. In 2020, due to the situation caused by the corona virus, 11 trainings planned by the Program for Continuous Training of Judges and State Prosecutors were not implemented.

In non-prosecutor and non-judge staff we did not count trainees/interns in courts and State prosecution. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees/interns in courts and state prosecution offices, in accordance with the Law on Trainees in Courts 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.

When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 192 days of initial training activities.

(2019): NOTE: The data on the total number of training days for all the abovementioned categories (455) have been collected from the Annual Report of the Centre for Training in Judiciary and State Prosecution, which can be found on the website of the Centre: www.cosdt.me. The Centre always organises joint training activities for both judges and state prosecutors, with the exception of training activities in civil matters which are intended for judges dealing with civil matters (as well as bailiffs, notaries, ...). There were 19 training activities of this kind in 2019 and these lasted for 18 days in total. Advisors from courts and state prosecution offices also have the right to participate in trainings intended for judges and state prosecutors. When it comes to the theoretical part of initial training, through which both candidates for judges and candidates for state prosecutors are jointly trained, the Centre organised in total 203 days of initial training activities. The Centre for Training in Judiciary and State Prosecution implements theoretical part of professional training of trainees in courts and state prosecution offices, in accordance with the Law on Trainees in Courts and State 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 2019, the Centre organised 56 days of training activities for trainees. In cooperation with the HELP Programme of the Council of Europe, the Centre organised 2 online courses, which were attended by 106 participants in total (42 judges, 21 state prosecutors, 7 lawyers, 20 advisors, 6 trainees in courts, 4 trainees in state prosecution offices and 6 representatives of the High Court Professional Service).

North Macedonia

(2021): In 2021, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on-line. From a total of 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 and non-prosecutor staff and the days of training are therefore reflected under both categories.

In the column on -line training courses available in 2021, by the Academy were organized a total of 10 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 10 trainings, on 2 trainings participated judges, on 1 training participated public prosecutors, 7 trainings were organized as common for judges and prosecutors.

In 2021 the number of organized trainings increased in compared to 2020 when the number decreased because of the COVID 19 situation.

(2020): In 2020, because of COVID 19 situation most of the trainings which were planned to be delivered in person, were delivered on line. From a total of 121 delivered trainings, 79 were delivered online (74 trainings for judges, 49 trainings for prosecutors, 0 for non-judge staff and non prosecutor staff and 6 for other categories).

Because we don't have separate row for common trainings, in the total number of 211 available trainings in 2020, are included 79 which were planned to be common trainings for judges and public prosecutors. According to the system on the Academy for judges and public prosecutors, the trainings are common for non-judge and non-prosecutor staff and the days of training are therefore reflected under both categories. In the column on line training courses available in 2020, by the Academy were organized a total of 9 common on line trainings for judges, prosecutors, non-judge staff and non prosecutor staff. From this 9 trainings, on 8 trainings participate judges, on 7 trainings participate public prosecutors, on all 9 trainings participate non-judge and non-prosecutor staff. For the numbers of participants please see the answer on Q147-1.

The total number of trainings in 2020 in comparison with 2019 decreased because of the COVID 19 situation.

(2019): In other common training are included common trainings on which participate all judiciary professionals together: judges, public prosecutors, non-judge staff, non-prosecutor staff and other legal professionals (attorneys, bailiffs etc.). There was an increase in common trainings in 2019, due to the new multidisciplinary approach of the new management of the Academy.

Regarding online trainings, in 2019, three trainings were organized by the Academy in cooperation with KPMG in frame of the project for training on judges for implementation on the Law on tax in Albania, North Macedonia and Kosovo. Also, Academy on their website has online trainings for all steps of the criminal procedure. E-learning system has been developed in the frame of the project IPA 2008 „Further strengthening of the institutional capacities of the Academy for the training of judges and prosecutors“. On this system several different courses are developed (Initial training for the e-learning system, Interactive course for Outline EU Law e-Course pilot training; Interactive course for application on article 8 from the ECHR; Interactive course for application on article 10 from the ECHR; Interactive Course - Bribery through the Concept of an Official - Corruption; Interactive course - Confiscation of illegal property; Interactive Course - Juvenile Justice). Academy is currently working on improving and upgrading the existing E-learning platform, which in the future will allow following of more courses, with much more interactive contents, and users will have the opportunity to check their knowledge through tests that will bring them a certificate for the passed training. Also, currently this type of trainings are on voluntary basis and they are not mandatory for judges or public prosecutors. According to the new Law which is under preparation, when judge or public prosecutor will perform this type of training that will be calculate in the total numbers of trainings for that judge or public prosecutor, which is not a case in the moment.

Serbia

(2022): A large number of trainings includes few groups of stakeholders, such as police officers, lawyers, social workers, NGO representatives, tax administration officials and others, depending on the topic discussed of the specific training, and not only judges and prosecutors. Also, where possible and appropriate, Judicial Academy gathers judges, prosecutors, judicial and prosecutorial assistants and the users of the initial training of the Judicial Academy at the same trainings. This is the reason why total number of all participants is higher than the sum of the number of judges, prosecutors, non-judge and non-prosecutor staff who attended the trainings. For example, in 2022 Judicial Academy trained, together with judges and prosecutors, 1105 police officers and 643 lawyers.

(2021): During 2020, many trainings were delayed or canceled, both online and in person, given the pandemic and measures prescribed by the state due to Covid 19. Double-checked by competent institution.

(2019): Trainings are as a rule organised as common, which is why it is difficult to distinguish training for judges, prosecutors and staff. Currently, accurate statistics on the number of training courses delivered, expressed in days, do not exist. There were 358 training courses organised in 2019, with 8,934 participants 1,107 lecturers. No e-learning courses have been organised in 2019.

Kosovo*

(2022): -In the total number of trainings 209, there were also 114 joint trainings for judges and prosecutors, 145 continuous trainings programme, 10 trainings for free legal professions, 7 training of trainers. For non-judge staff and For non-prosecutor staff there were 33 joint trainings.

-Regarding the category Number of days of delivered live (in person, hybrid, video conference) trainings, the total number of 354 days includes 237 trainings jointly for judges and prosecutors, 35 days trainings only for judges, 10 days only for prosecutors, 36 days of trainings jointly for non-judge and non-prosecutor staff. Furthermore, there were 10 days training for free legal professions and 19 days for trainings for trainers.

(2020): With regard to online courses, because of the pandemic situation, during 2020 have been organized a higher number of online training courses for judges and prosecutors compared to the number of online training courses available: 68 training courses for Judges(111 days), 48 training courses for prosecutors (86 days). This number of training courses includes also in-person training courses, which, for the well-known reasons, could not be held in person.

Question 150

Albania

(General Comment): HPC: According to Article 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

(2022): No, judges/public prosecutors do not have to undergo compulsory in-service training solely dedicated to prevention of corruption and conflicts of interest. The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

(2021): According to Article 182, of the Law “On the governance institutions of the justice system”, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics.

(2019): According to Article 182, of the Law “On the governance institutions of the justice system”, as amended, the Adviser of the Ethics at High Prosecutorial Council, is responsible, in cooperation with the School of Magistrates, for the initial and in-service training on ethics issues

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina decided in 2022 that in-service online training on ethics, the prevention of corruption and conflicts of interest is compulsory for all judges and prosecutors. The acquired knowledge of judges and prosecutors is tested at the end of the training course.

(2019): In-service training on ethics, the prevention of corruption and conflicts of interest is offered yearly by training institutions, however it is not obligatory. It cannot be confirmed that all the judges and prosecutors who have been reappointed during the major reform in 2003 have undergone the training on ethics. Attending training on ethics, the prevention of corruption and conflicts of interest is obligatory only for the newly appointed judicial office holders.

Montenegro

(General Comment): No, training activities are not compulsory in this field.

(2020): No, training activities are not compulsory.

(2019): Reply from Centre for Training in Judiciary and State Prosecution Office - No, training activities are not compulsory.

When it comes to prosecutors, additional information from the Prosecutorial Council - State prosecutors' trainings in the above mentioned areas are conducted by the Centre for Training in Judiciary and Prosecution as well as through ad hoc trainings conducted by the Commission for the Code of Ethics of State Prosecutors.

North Macedonia

(General Comment): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

(2021): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

(2019): Trainings on topics related to ethics, corruption prevention and conflict of interest are not obligatory.

Namely, within the days for obligatory trainings which have to be realized by judges and public prosecutors, they on voluntary base apply for trainings from the List on trainings in the Annual Catalog for obligatory trainings depending on their interest on the topic and the matter on what they are working as well as their working schedule (days when they do not have trial).

Serbia

(2022): The training solely dedicated to prevention of corruption and conflict of interest is not compulsory but Judicial Academy devotes a lot of attention to this topic in its Annual program and every year a large number of judges and prosecutors attend trainings in this area organized by Judicial Academy. In 2022 Judicial Academy organized 23 trainings devoted to topics of ethics and integrity for judges and prosecutors. For example, Academy organized 4 trainings entitled Professional ethics for judges and prosecutors covering following subtopics:

- Competencies for recognizing and solving ethical dilemmas
- Prevention and resolution of risky situations for the emergence of corruption
- Corruption and anti-corruption tools
- Responsibility for ethical behavior

Furthermore, Judicial Academy organized 10 trainings "Protection against undue influence on judges" for the new elected judges of basic courts in the whole country. It covered the following subtopics:

- The notion of undue influence in the judiciary;
- Judicial independence and protection from undue influence on judges - international standards and national legal framework;
- Guide for judges - protection from unauthorized influence;
- Types of undue influence, mechanisms for protection against undue influence and examples from comparative and domestic practice.

Solely for prosecutors Academy organized 3 trainings for trainers coverings following topics:

- External illegal and inappropriate influence by public officials, politicians and other sources (economic, corruption, dissatisfied individuals, etc.)
- External illegal and inappropriate media influence.
- Internal illegal and inappropriate influence (within the prosecution).

(2019): Judges and prosecutors working in specialized departments for suppression of corruption have to undergo specialization on all relevant topics concerning fighting corruption, i.e. there are numerous courses covering this target group.

Kosovo*

(General Comment): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their competencies and jurisdiction.

(2022): AJ has the obligation that the training program is adequate with the training needs and requirements that have resulted from the strategies at the national level and other integration reports. Therefore, there is a continuous program of training for the prevention of corruption and conflict of interest, and as a target there are judges and prosecutors who deal with the relevant cases and mainly from the special department, the department for serious crimes.

From the point of view of the AJ, these trainings should be mandatory, while the strategies and other monitoring reports of the justice system estimate that there is no significant progress and improvement is needed in the fight against these crimes.

In the comments above, it has been highlighted that the competent authority to specifically determine the mandatory trainings are KJC and KPC. Currently, the training regulations of the two councils have emphasized mandatory training according to performance evaluation, when there are legislative changes, according to experience and ethical issues.

(2019): At the moment, compulsory trainings are those dedicated to ethics while other trainings are not mandatory. With regard to prevention of corruption or conflict of interest, these trainings are not mandatory and the attendance of judges and prosecutors in these trainings is mainly based on their competencies and jurisdiction.

Question 151

Albania

(2022): The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

Bosnia and Herzegovina

(General Comment): The estimated duration of online training is up to 5 hours.

Montenegro

(General Comment): As mentioned above, trainings on topics related to question 150 are not compulsory, but the 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

(General Comment): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

(2021): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

(2019): The usual practice of the Academy, is this type of trainings to last one day, but if the organization is in cooperation with other institutions or foreign partners of the Academy, these trainings can be realized as two days or even more than two days.

Serbia

(2019): The average length of training dedicated to ethics is 1 day, the prevention of corruption 2 days and conflicts of interest 2 days.

Question 152

Albania

(2022): The obligation of magistrates is not for attending a specific topic, it is only for a specific number (5 training days a year). They have the freedom to choose the topics they want to be trained in, where their needs are directed in such a way that they exercise their function as effectively as possible.

(2019): 2. A magistrate must attend the continuous training in accordance with the legislation in force. The continuous training period is not less than five full days per year and not less than 30 full days during five years.

North Macedonia

(General Comment): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

(2021): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

(2019): As stated in the clarification of the question above, it depends on the interest of judges and prosecutors.

Question 153

Bosnia and Herzegovina

(General Comment): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases

(2019): The majority of prosecution offices have specialized departments with prosecutors who are experienced in investigating and prosecuting sexual violence cases. Specialized trainings for prosecution of domestic violence cases are held regularly for prosecutors who are responsible for domestic violence cases.

Montenegro

(General Comment): The Basic State Prosecutor's Office in Kotor and the Basic State Prosecutor's Office in Bijelo 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 domestic violence and sexual violence.

(2022): There are prosecutors specialized in the area of domestic violence and sexual violence. They undergone trough trainings for these topics, possess certificates and, among other, they work on cases regarding criminal offences related to these types of violence.

(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

(General Comment): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic 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 for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

(2021): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic 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 for which the training is intended. The trainings on the indicated topics are intended for judges and public prosecutors who act in cases from the areas mentioned in the question.

(2019): In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.

Serbia

(2022): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

(2021): Prosecution offices have appointed, specialized prosecutors for cases of domestic violence. In addition, 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.

(2020): For domestic violence, according to Article 9 of the Law on the Prevention of Domestic Violence in each public prosecutor's office, except for those with special competencies, the public prosecutor appoints deputy public prosecutors who have completed specialized training in order to exercise the competencies of the public prosecutor's office in preventing domestic violence and prosecuting perpetrators of crimes defined by this law. According to Article 28, specialized training is conducted by the Judicial Academy for Public Prosecutors, Deputy Public Prosecutors and Judges, in cooperation with other professional institutions and organizations. According to Article 3 of the same Law, domestic violence, in the sense of this law, is an act of physical, sexual, psychological or economic violence.

Kosovo*

(2022): To the trainings carried out on domestic violence and training against the sexual integrity of children.

(2019): Each Basic Prosecution Office has a prosecutor who is assigned to deal with domestic violence cases (regional coordinator for domestic violence). Each prosecutor is specially trained on this issue. At the same time, other prosecutors are regularly trained in these specific topics. Kosovo Prosecutorial Council prepares and approves on a yearly basis the Training Policies document which is sent to the Academy of Justice where it proposes training topics for prosecutors and domestic violence and sexual violence are part of the many topics included in this document.

Question 154

Albania

(2020): To answer to the question on the decrease of number of judges and prosecutors:

The needs-based methodology of drafting the training calendar makes it mandatory for the School of Magistrates to plan and hold the training activities as requested by judges and prosecutors in service. Because last year a considerable part of judges and prosecutors in service participated in specific trainings on EU Law and because there have been a lot of changes in the domestic legislation, including basic laws (e.g. criminal code, criminal procedure code), the interest of in-service judges and prosecutors has been higher for trainings on changes of legislation rather than in EU training activities.

(2019): Training is organised by the School of Magistrates

Bosnia and Herzegovina

(2021): The statistics provided for this question include the number of the training courses organized or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 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 preceding to 2021.

(2020): The statistics provided for this question include the number of the training courses organised or financed by other stakeholders in the framework of co-operation programmes which are reported under the question Q 155.

The abovementioned number of training courses days in 2020, pertaining to the European Union Law and the European Convention on Human Rights, was determined in the annual working plans of the training institutions. The training courses on the different topics with regards to the European Convention on Human Rights have been an integral part of the training institutions' curricula for many years now. Also, the training courses on the European Union Law have been included regularly in the annual working plans of the training institutions for the several years preceding to 2020. The training institutions in Bosnia and Herzegovina delivered several new training courses on the European Union Law and the European Convention on Human Rights that they had developed in cooperation with the relevant foreign organizations' experts. The involvement of judges and prosecutors in the new training courses increased the participation at the classes on European Union Law and the European Convention on Human Rights.

(2019): There are two training institutions in Bosnia and Herzegovina which are responsible for judicial training in two different entities in the country. Each of these institutions is responsible for both judges and prosecutors. The names of the training institutions are as follows: The Judicial and Prosecutorial Training Centre of Republika Srpska and the Judicial and Prosecutorial Training Centre of the Federation of Bosnia and Herzegovina.

The abovementioned number of training courses days in 2019, pertaining to the European Union Law and the European Convention on Human Rights, were determined in the annual working plans of the training 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 2019.

Montenegro

(2021): In reference to question 154, we included all trainings that the Center organized by itself and in cooperation with other partners.

(2020): Between 2019 and 2020 there has been a decrease of the number of trainings in EU Law due to the Covid-19 pandemic and to the end of the EUROL II project (from 2018 until May 2020 - through this project there were a large number of trainings pertaining to EU law and European standards).

(2019): NOTE: Total number of participants is actually much larger since advisors in courts and state prosecution offices, trainees, lawyers, police officers and representatives of other state bodies and institutions also participate in the training activities organised by the Centre.

Regarding trainings on EU Charter of Fundamental Rights/European Convention on Human Rights, there were many more training activities on the ECHR – two training activities were on the EU Charter of Fundamental Rights, whereas the rest of training activities were on the ECHR.

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.

(2019): Training institution is Academy for judges and public prosecutors.

Kosovo*

(2019): All trainings are organized by Academy of Justice

Question 155

Albania

(2020): The reason is with the coming of the pandemic, the training activities we had planned with our international partners, due to suspension of international travel, were cancelled. This is why there were no activities financed by our international partners on the topic and therefore no participating judges or prosecutors.

(2019): Partner organisations of the School of Magistrates that have conducted these training are Euralius (2 days), Council of Europe (6 days), IRZ (4 days), European Center (4 days) = 16 days overall.

Bosnia and Herzegovina

(2021): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-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 trainers: for newly appointed judges on the topic of the European Convention of Human Rights, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights, Gender (Non)equality, Recent trends in the European Court of Human Rights case law, Article 10. Right on freedom of expression, Human Rights of the LGBTIQ persons – protection and practice in the Region..

(2020): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law. 2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on Human Rights and the case law of the European Court of Human Rights,
2. Gender (Non)equality,
3. Recent trends in the European Court of Human Rights case law,
4. Article 10. Right on freedom of expression.

The training institutions' implementation of the specific cooperation programmes with the European Delegation in Bosnia and Herzegovina and the German Foundation for International Legal Cooperation, caused a substantial increase in the number of judges and prosecutors in the training courses on the European Union Law and the European Convention on Human Rights.

(2019): Below is the list of the stakeholders, with the list of the training courses on the European Law and the European Convention on Human Rights, they financed and co-organised in the reporting year with the training institutions from Bosnia and Herzegovina. The courses were delivered within the implementation of the annual working plans of the training institutions.

The stakeholders, which co organized EU law training courses with the training institutions from Bosnia and Herzegovina, were as follows: The German Foundation for International Legal Cooperation, the Advice on Individual Rights in Europe based in London, The Dutch Judicial Academy. The list of the training courses: 1. Train the trainers in EU law.

2. The relation between EU Law and national law 3. Protection of collective rights in the context of EU law.

The stakeholders, which co organized training courses on EU Charter of Fundamental Rights/European Convention on Human Rights with the training institutions from Bosnia and Herzegovina, were as follows: The London based Advice on Individual Rights in Europe, the Organization for Security and Co-operation in Europe, the Women's Rights Centre, the Heinrich Boll Foundation. The training courses on EU Charter of Fundamental Rights/European Convention on Human Rights provided by the above mentioned stakeholders in the reporting year were:

1. Train the trainers: Special investigative measures, Relevant provisions of The European Convention on 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.

Montenegro

(2022): Note (comment ref. column 2 – EU law) The Centre for Training in Judiciary and State Prosecution of Montenegro and Judicial Academy of Serbia in cooperation with European Institute of Public Administration (EIPA) implemented 1 two-day training activity, i.e. regional conference on the EU Environmental Law. In total, 18 representatives of Montenegrin and Serbian judiciary participated in this activity (8 judges, 6 state prosecutors, 2 advisors from state prosecution offices and 2 representatives of Judicial Academy of Serbia).

(2021): In 2021, the Center organized trainings in cooperation with the international partners and projects as follows: - European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro; - HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals); - 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 Minority Rights of Montenegro and 4 representatives of the Office of the Protector of Human Rights and Freedoms of Montenegro.

- The regional HELP online course (9 June – 16 July 2021) organized by Council of Europe HELP Program, Regional Cooperation Council (RCC) and GIZ Open Regional Funds for South East Europe - Legal Reform. This training was implemented in English over a 2-months period and was designed for judges and prosecutors from South East Europe (2 state prosecutors successfully finished the online course).

(2020): In 2020, the Center organized trainings in cooperation with the international partners and projects as follows:

- European Institute of Public Administration (EIPA) - EIPA's European Centre for Judges and Lawyers in Luxembourg (ECJL)- EIPA Institute from Luxembourg with the support of the Ministry of Foreign and European Affairs, through the Technical Support Program to strengthen the capacity of judicial bodies and the quality of justice in Montenegro;

- HELP Program for the Western Balkans and Turkey, Council of Europe (The European Programme for Human Rights Education for Legal Professionals);

- 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".

(2019): NOTE: All training activities on the EU law were implemented in cooperation and with financial support of the Institute of Public Administration of Luxembourg (EIPA) and EURO II project. The Centre co-funded implementation of all training activities on the EU law and these activities were a part of the Annual Training Programme of the Centre (that is why these activities have been presented within the answer to the question no. 154). NOTE:When it comes to the second part of the answer, which is related to the training on the EU Charter of Fundamental Rights/European Convention on Human Rights (Number of training courses in days): besides 6 days of training, there were 2 online courses. The exact number of days for 2 HELP online courses had not been provided since these courses lasted for several months and therefore it was not possible to calculate the exact number of days. However, the number of training activities as well as the number of judges and state prosecutors who participated in these courses had been provided.

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.

(2020): EU Law Number of participants: 16 judges with physical presence, 42 judges on line and 7 public prosecutors online.

EU Charter of Fundamental Rights/European Convention on Human Rights Number of participants: 21 judge and 7 public prosecutors with physical presence. 200 judges and 56 public prosecutors online. All trainings are delivered in cooperation between Academy for judges and public prosecutors and their foreign partners: EU Law trainings: TAIEX – 1 training, EIPA/Luxembourg – 1 training, EJTN – 4 trainings.

EU Charter of Fundamental Rights/European Convention on Human Rights trainings: OPDAT/USA-1 training, TAIEX/EU - 1 training, Council of Europe - 1 training, Council of Europe/JUFREX programme - 1 training, EIPA/Luxembourg - 1 training, OSCE Mission in Skopje - 3 trainings, BAR Chamber/Council of Europe - 1 training, Council of Europe/HELP programme - 11 trainings.

(2019): Trainings were organized in cooperation with TAIEX instrument of European Commission for technical support and information exchange, European Institute of Public Administration and EU Financed Project – Florazon.

Serbia

(2021): All courses in 2021 are organized/financed by other stakeholders (for ex. EU funded projects).

(2019): EU LAW: EU Info Center

EU Charter of Fundamental Rights/European Convention on Human Rights : OSCE; UN

Kosovo*

(2022): A total of 16 trainings for ECHR were carried out, 13 of them were supported by EU projects such as JUFREX, OSCE, EKOJUST and GIZ

1 training on Domestic violence and violence against women and 1 by EJTN on Freedom of Expression in the digital age were conducted by HELP, this training was conducted with the physical participation of 2 Legal Advisors from the Constitutional Court.

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 2022 (Tables 8.9.5 and 8.9.10)

Beneficiaries	Disciplinary proceedings and sanctions against judges and prosecutors in 2022					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	37	4	3	3	3	2
Bosnia and Herzegovina	32	9	35	13	23	10
Montenegro	37	12	35	0	0	0
North Macedonia	147	8	153	8	16	4
Serbia	18	1	13	3	9	3
Kosovo*	NA	8	NA	15	NA	11
WB Average	54	7	48	5	10	4

Figure 8.1 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against judges in 2022 (per 100 judges)

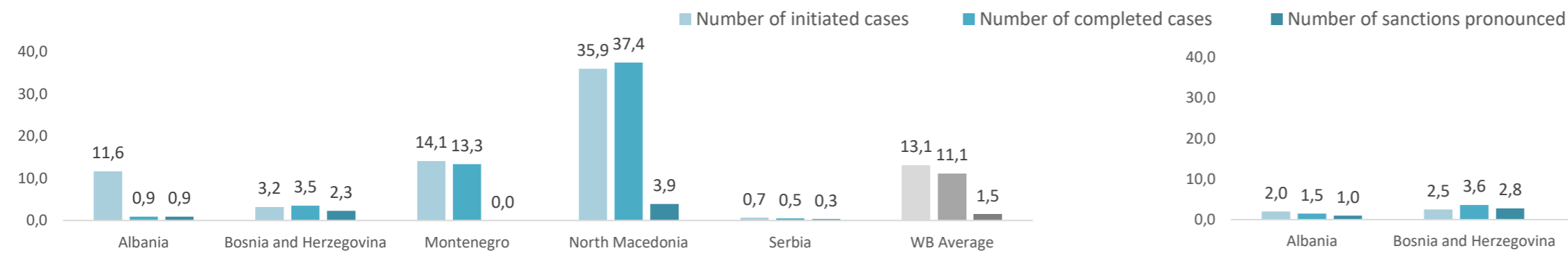
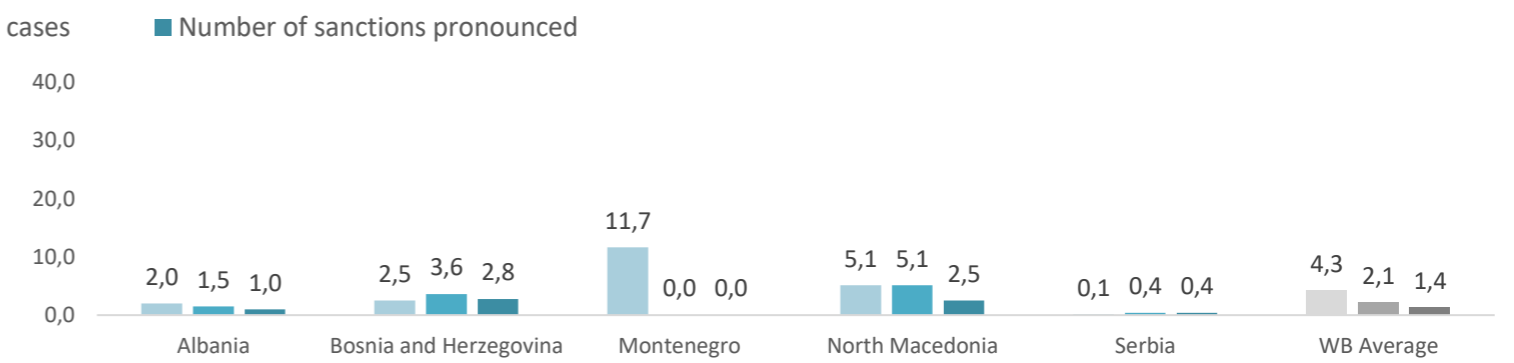


Figure 8.2 Total number of initiated and finalised disciplinary proceedings and number of sanctions pronounced against prosecutors in 2022 (per 100 prosecutors)



Number of criminal cases against judges and prosecutors in 2022 (Table 8.4.2)

Beneficiaries	Number of criminal cases and sanctions against judges and prosecutors in 2022					
	Number of initiated cases		Number of completed cases		Number of sanctions pronounced	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors
Albania	NA	0	NA	0	NA	0
Bosnia and Herzegovina	0	0	1	0	1	0
Montenegro	2	3	0	0	0	0
North Macedonia	0	1	0	0	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	0	14	NA	12	NA	8
WB Average	1	1	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

8. Accountability and processes affecting public trust - List of tables

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensation granted by specific circumstances in 2022 (Q156)

Table 8.1.2 System for compensating users: granted amounts by specific circumstances in 2022 (Q156)

Table 8.1.3 Responsible authorities dealing with the compensation requests and legal time limit to deal with these requests in 2022 (Q156-1)

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge, total number of the initiated procedures and total number of pronounced recusal in 2022 (Q160 and Q161)

8.3 Public prosecution services

Table 8.3.1 Status of public prosecution services in 2022 (Q162-0)

Table 8.3.2 Specific instructions to prosecute or not, addressed to a public prosecutor in 2022 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2022 (Q164 and Q166)

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2022 (Q171)

Table 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2022 (Q172-0)

Table 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2022 (Q182)

8.5 Code of ethics of judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2022 (Q172, Q173 and Q173-1)

Table 8.5.2 Code of ethics for prosecutors in 2022 (Q174, Q175 and Q175-1)

Table 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2022 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and Q181-1)

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2022 (Q183, Q184)

Table 8.6.2 Transparency and organisation of reassignment of court cases in 2022 (Q185, Q186, Q187 and Q188)

Table 8.6.3 Number of reassignments of court cases processed in 2022 (Q185-1)

8. Accountability and processes affecting public trust - List of tables

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2022: law(s) and regulation(s) that require a declaration (Q190 and Q192)

Table 8.7.2 Declaration of assets for judges in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)

Table 8.7.3 Declaration of assets for judges in 2022: verification, registration and publication of the declaration (Q198, Q199 and Q200)

Table 8.7.4 Declaration of assets for judges in 2022: sanctions in case of non-declaration (Q201)

Table 8.7.5 Declaration of assets for prosecutors in 2022: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)

Table 8.7.6 Declaration of assets for prosecutors in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)

Table 8.7.7 Declaration of assets for prosecutors in 2022: verification, registration and publication of the declaration (Q211, Q212 and Q213)

Table 8.7.8 Declaration of assets for prosecutors in 2022: sanctions in case of non-declaration of assets (Q214)

Table 8.7.9 Declaration of assets for judges and prosecutors in 2022: number of proceedings against judges and prosecutors due to violations/discrepancies in their declaration (Q202 and Q215)

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2022 (Q217)

Table 8.8.2 Other functions/activities carried out by judges in 2022 (Q218, Q219, Q220 and Q221)

Table 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2022 (Q222 and Q223)

Table 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2022 (Q226)

Table 8.8.5 Other functions/activities carried out by prosecutors in 2022 (Q227, Q228, Q229 and Q230)

Table 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2022 (Q231 and Q232)

Table 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2022 (Q224 and Q233)

8. Accountability and processes affecting public trust - List of tables

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of a disciplinary procedure against judges in 2022 (Q234)

Table 8.9.2 Authority with disciplinary power in 2022 (Q235)

Table 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and the body competent to decide on an appeal in 2022 (Q236, Q240 and Q241)

Table 8.9.4 Reasons for transferring a judge without his/her consent in 2022 (Q242)

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2022 (Q237, Q238 and Q239)

Table 8.9.6 Description of professional inadequacy for judges in 2022 (Q237 and Q237-1)

Table 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2022 (Q243)

Table 8.9.8 Authority with disciplinary power over prosecutors in 2022 (Q244)

Table 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision and the body competent to decide on an appeal in 2022 (Q245, Q250 and Q251)

Table 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2022 (Q246, Q247 and Q248)

Table 8.9.11 Description of professional inadequacy for prosecutors in 2022 (Q246 and Q246-1)

8.1 System for compensating users

Table 8.1.1 System for compensating users: number of requests for compensations and number of compensation granted by specific circumstances in 2022 (Q156)

Beneficiaries	System for compensating users: number of requests for compensations and number of compensations granted by specific circumstances in 2022												
	Total number of requests for compensation	Total number of compensations granted	Specific circumstances										
			Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other circumstances		
			Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	Number of requests for compensation	Number of compensations granted	
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	5 236	906	357	683	117	45	205	39	368	18	4 189	121	
Montenegro	NA	NA	113	59	NA	NA	44	5	NA	NA	NA	NA	
North Macedonia	NA	171	351	169	NAP	NAP	NA	1	NA	1	NAP	NAP	
Serbia	NA	NA	13 060	NA	NA	NA	NA	NA	NA	NA	NA	NA	
Kosovo*	NA	104	NAP	NAP	NAP	NAP	NA	79	NA	25	NAP	NAP	
Average	-	-	3 470	304	-	-	-	15	-	-	-	-	
Median	-	-	354	169	-	-	-	5	-	-	-	-	
Minimum	-	-	113	59	-	-	-	1	-	-	-	-	
Maximum	-	-	13 060	683	-	-	-	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

Table 8.1.2 System for compensating users: granted amounts by specific circumstances in 2022 (Q156)

Beneficiaries	System for compensating users: granted amounts by specific circumstances in 2022										
	Total amount (1+...+5)	Excessive length of proceedings		Non-execution of court decisions		Wrongful arrest/detention		Wrongful conviction		Other circumstances	
		Amount		Amount		Amount		Amount		Amount	
		Amount in € (1)	As % of Total amount	Amount in € (2)	As % of Total amount	Amount in € (3)	As % of Total amount	Amount in € (4)	As % of Total amount	Amount in € (5)	As % of Total amount
Albania	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	603 800 €	276 758 €	45,8%	7 641 €	1,3%	319 400 €	52,9%	0 €	0,0%	0 €	0,0%
Montenegro	NA	52 200 €	NA	NA	NA	5 813 €	NA	NA	NA	NA	NA
North Macedonia	93 396 €	91 620 €	98,1%	NAP	NAP	800 €	0,9%	976 €	1,0%	NAP	NAP
Serbia	NA	37 247 234 €	NA	NA	NA	NA	NA	NA	NA	NA	NA
Kosovo*	251 302 €	NAP	NAP	NAP	NAP	NA	NA	NA	NA	NAP	NAP
Average	-	9 416 953 €	-	-	-	108 671 €	-	-	-	-	-
Median	-	184 189 €	-	-	-	5 813 €	-	-	-	-	-
Minimum	-	52 200 €	-	-	-	800 €	-	-	-	-	-
Maximum	-	37 247 234 €	-	-	-	319 400 €	-	-	-	-	-



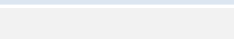

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

Table 8.1.3 Responsible authorities dealing with the compensation requests and legal time limit to deal with these requests in 2022 (Q156-1)

Beneficiaries	Authorities responsible for dealing with the requests and existence of a legal time limit to deal with these requests in 2022									
	Court concerned		Higher court		Ministry of Justice		High Judicial Council		Other external bodies (e.g. Ombudsman)	
	Responsible authorities	Legal time limit	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	No	No	No	No	No	No	No	No
Bosnia and Herzegovina	No	No	Yes	Yes	Yes	Yes	No	No	No	No
Montenegro	Yes	Yes	No	No	Yes	Yes	No	No	No	No
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Kosovo*	Yes	Yes	No	No	No	No	No	No	No	No

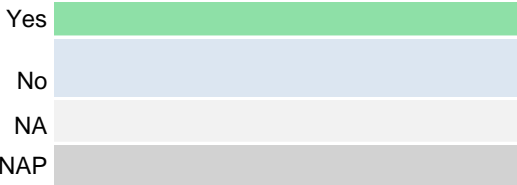
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Yes 
 No 
 NA 
 NAP 

8.2 Recusal of judges

Table 8.2.1 Procedure to effectively challenge a judge, total number of the initiated procedures and total number of pronounced recusal in 2022 (Q160 and Q161)

Beneficiaries	Existence of a procedure to effectively challenge a judge, if a party considers that the judge is not impartial	Total number of the initiated procedures in 2022	Total number of pronounced recusals in 2022
Albania		1 092	60
Bosnia and Herzegovina		558	51
Montenegro		2 765	2 705
North Macedonia		2 905	2 531
Serbia		NA	NA
Kosovo*		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.

Kosovo is not included in the calculation of summary statistics*

8.3 Public prosecution services

Table 8.3.1 Status of public prosecution services in 2022 (Q162-0)


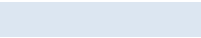
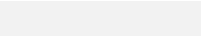

Beneficiaries	Status of public prosecution services						
	Independent status as a separate entity among state institutions	Part of the executive power but enjoys functional independence	Part of the executive power (without functional independence)	Part of the judicial power but enjoys functional independence	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	Yes	No	No	No	No	No	No
Kosovo*	Yes	No	No	No	No	No	No

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 Specific instructions to prosecute or not, addressed to a public prosecutor in 2022 (Q162, Q162-1, Q162-2-0; Q162-2, Q162-3, Q162-4, Q162-4-1 and Q162-5)

Beneficiaries	Existence of a law or another regulation to prohibit specific instructions to prosecute or not, addressed to a public prosecutor		Modalities of the specific instructions to prosecute or not, addressed to a public prosecutor																Number of instructions addressed to a public prosecutor to prosecute or not were issued in 2022	Public prosecutor able to oppose/report an instruction to an independent body	
	Yes	Exceptions in the laws and regulations that envisage the possibility of the issuance of specific instructions	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																				NA	
Bosnia and Herzegovina																				80	
Montenegro																				2	
North Macedonia																				NAP	
Serbia																				38	
Kosovo*																				NAP	
Average																				40	
Median																				38	
Minimum																				2	
Maximum																				80	

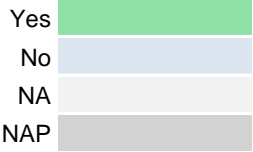
Yes	
No	
NA	
NAP	

* 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.

8.4 Legal guaranties of independence and prevention of corruption

Table 8.4.1 Type of legal provisions to guarantee the independence of judges and prosecutors in 2022 (Q164 and Q166)

Beneficiaries	Legal provisions to guarantee the independence of judges and prosecutors in 2022							
	Judges				Prosecutors			
	Constitution	Special law	Bylaw	Other	Constitution	Special law	Bylaw	Other
Albania	Yes	Yes	Yes	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	Yes	Yes	Yes	No	Yes	Yes	Yes	No
Kosovo*	Yes	Yes	No	No	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.

Table 8.4.2 Number of criminal cases against judges or prosecutors in 2022 (Q171)

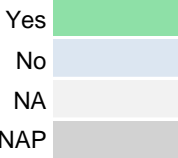
Beneficiaries	Number of criminal cases against judges or prosecutors in 2022					
	Judges			Prosecutors		
	Number of initiated cases	Number of completed cases	Number of sanctions pronounced	Number of initiated cases	Number of completed cases	Number of sanctions pronounced
Albania	NA	NA	NA	0	0	0
Bosnia and Herzegovina	0	1	1	0	0	0
Montenegro	2	0	0	3	0	0
North Macedonia	0	0	0	1	0	0
Serbia	NA	NA	NA	NA	NA	NA
Kosovo*	0	NA	NA	14	12	8
Average	1	0	0	1	0	0
Median	0	0	0	1	0	0
Minimum	0	0	0	0	0	0
Maximum	2	1	1	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 8.4.3 Specific measures to prevent corruption for judges and prosecutors in 2022 (Q172-0)

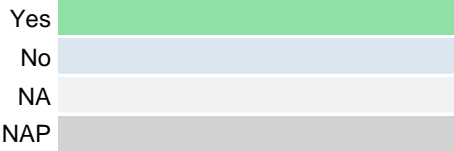
Beneficiaries	Specific measures to prevent corruption for judges and prosecutors in 2022													
	Mandatory rotation		Gift rules		Specific training		Internal controls		Safe complaints mechanisms		Other		No mechanism in place	
	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	Judges	Prosecutors	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 8.4.4 System to report attempt for influence/corruption on judges and prosecutors in 2022 (Q182)

Beneficiaries	System to report attempt for influence/corruption on judges and prosecutors in 2022	
	Judges	Prosecutors
Albania	Yes	Yes
Bosnia and Herzegovina	Yes	Yes
Montenegro	Yes	Yes
North Macedonia	Yes	Yes
Serbia	Yes	Yes
Kosovo*	Yes	Yes



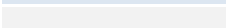
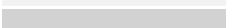


* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

8.5 Code of ethics of judges and prosecutors

Table 8.5.1 Code of ethics for judges in 2022 (Q172, Q173 and Q173-1)


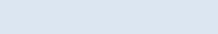
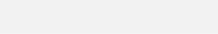

Beneficiaries	Code of ethics for judges in 2022											Link to the code of ethics
	Existence of code of ethics	Regular update of the code for ethics	Principals contained in the code of ethics									
			Adherence to judicial values (independence, integrity, impartiality)	Relationship with institution, 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	No	No	Yes	No	Yes	No	No	No	https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%20%22.04.2021-P%20%20MIRATIMIN-E-%20%20KODI-I-ETIK%20%20S-GJYQ%20%20SORE%20%20.pdf
Bosnia and Herzegovina	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://vstv.pravosudje.ba/vstvfo/B/141/kategorije-vijesti/1198/1178/1359
Montenegro	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	https://sudovi.me/static/sdsv/doc/eticki_kodeks_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%B4%D0%B5%D0%BA%D1%81+%D0%B7%D0%B0+%D0%B5%D1%82%D0%B8%D0%BA%D0%B0+%D0%BD%D0%B0+%D1%81%D1%83%D0%B4%D0%B8%D0%B8%D1%82%D0%B5+%D0%B8+%D1%81%D1%83%D0%B4%D0%B8%D0%B8%D1%82%D0%B5+%D0%BF%D0%BE%D1%80%D0%BE%D1%82%D0%BD%D0%B8%D1%86%D0%B8.pdf?MOD=AJPERES&CVID=mSBbAAH
Serbia	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	https://vss.sud.rs/sr-lat/eti%C4%8Dki-kodeks
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	www.gjyqesori-rks.org

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 Code of ethics for prosecutors in 2022 (Q174, Q175 and Q175-1)

Beneficiaries	Code of ethics for prosecutors in 2022											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/kategorije-vijesti/1198/1178/1359
Montenegro	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	https://sudovi.me/static/tzsv/doc/ETICKI_KODEKS_DRZAVNIH_TUZILACA.pdf
North Macedonia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://jorm.gov.mk/wp-content/uploads/2021/05/etichki-kodeks-na-%D1%98avnite-obviniteli-2021.pdf
Serbia	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.paragraf.rs/propisi/eticki_kod_eks_javnih_tuzilaca_i_zamenika_javnih_tuzilaca_republike_srbije.html
Kosovo*	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	https://www.prokuroria-rks.org/assets/cms/uploads/files/Dokumente%20Publikime/KPK/AkteNenLigjore/Kodi%20i%20etik%C3%ABs%20dhe%20sj

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 8.5.3 Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2022 (Q176, Q177, Q178, Q178-1, Q179, Q180, Q181 and Q181-1)

Beneficiaries	Institution or body responsible for ethical questions and public availability of guidelines and/or opinions for judges and prosecutors in 2022							
	Judges				Prosecutors			
	Existence of the institution	Members of the institution/body	Opinions publicly available	Number of opinions given in 2022	Existence of the institution	Members of the institution/body	Opinions publicly available	Number of opinions given in 2022
Albania	Yes	Only judges	Yes	0	Yes	Only prosecutors	Yes	1
Bosnia and Herzegovina	Yes	Judges and other legal professionals	Yes	19	Yes	Prosecutors and other legal professionals	Yes	31
Montenegro	Yes	Judges and other legal professionals	Yes	1	Yes	Prosecutors and other legal professionals	Yes	0
North Macedonia	Yes	Only judges	Yes	3	Yes	Only prosecutors	Yes	0
Serbia	Yes	Only judges	Yes	12	Yes	Prosecutors and other legal professionals	No	NA
Kosovo*	Yes	Only judges	Yes	NA	No	NAP	No	NAP
Average				7				8
Median				3				1
Minimum				0				0
Maximum				19				31

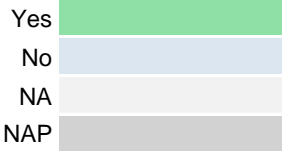
Yes	Yes
No	No
NA	NA
NAP	NAP

* 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.

8.6 Allocation of court cases

Table 8.6.1 Transparency and organisation of the distribution of court cases in 2022 (Q183, Q184)





Beneficiaries	Transparency in the distribution of courts cases	Organisation in the distribution of court cases					
		Automatic allocation	Random allocation	Other type of allocation	Specific allocation for priority cases	Possibility to exclude a judge from the allocation	All interventions on the system irreversibly logged/ registered
Albania	Yes	No	Yes	No	No	Yes	Yes
Bosnia and Herzegovina	Yes	No	Yes	Yes	Yes	Yes	Yes
Montenegro	Yes	No	Yes	No	No	No	Yes
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



* This designation 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 8.6.2 Transparency and organisation of reassignment of court cases in 2022 (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 8.6.3 Number of reassignments of court cases processed in 2022 (Q185-1)

Beneficiaries	Number of reassignments of court cases processed in 2022				
	Total number	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
Albania	NA	NA	NA	NA	NA
Bosnia and Herzegovina	475 394	NA	NA	NA	NA
Montenegro	NA	NA	1 977	3 008	NAP
North Macedonia	NA	NA	NA	NA	NA
Serbia	NA	NA	NA	NA	NA
Kosovo*	-	-	-	-	-
Average	-	-	-	-	-
Median	-	-	-	-	-
Minimum	-	-	-	-	-
Maximum	-	-	-	-	-


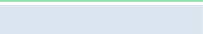
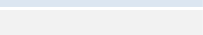
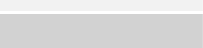
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.7 Declaration of assets

Table 8.7.1 Declaration of assets for judges in 2022: law(s) and regulation(s) that require a declaration (Q190 and Q192)



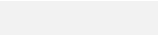

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets for judges							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania	Yes	Yes	No	Yes	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 
 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 8.7.2 Declaration of assets for judges in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family (Q193, Q194, Q195 and Q196)


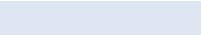
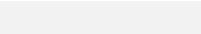

Beneficiaries	Declaration of assets for judges in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial 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 8.7.3 Declaration of assets for judges in 2022: verification, registration and publication of the declaration (Q198, Q199 and Q200)

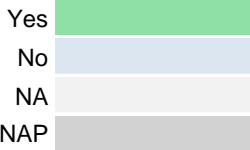
Beneficiaries	Declaration of assets for judges in 2022: verification, registration and publication of the declaration								
	Declaration of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial discrepancies		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	Yes	No	No	No
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 8.7.4 Declaration of assets for judges in 2022: sanctions in case of non-declaration (Q201)


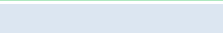
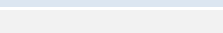

Beneficiaries	Sanction in case of non-declaration of assets by judges							
	Warning	Fine	Withdrawal from cases	Transfer to another (court) geographical location	Suspension	Other criminal sanction	Other disciplinary sanction	Other
Albania	No	Yes	No	No	No	Yes	Yes	No
Bosnia and Herzegovina	Yes	Yes	No	Yes	Yes	No	Yes	No
Montenegro	Yes	Yes	No	No	No	No	Yes	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



* This designation 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 8.7.5 Declaration of assets for prosecutors in 2022: law(s) and regulation(s) that require a declaration of assets (Q203 and Q205)



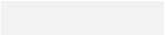

Beneficiaries	Law(s) and regulation(s) that require a declaration of assets for prosecutors							Copy of the declaration of assets form provided in attachment
	Constitution	Law regulating the status of judges	Law on High Judicial Council	Special law	Special regulation	Bylaw	Other	
Albania	Yes	Yes	No	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 8.7.6 Declaration of assets for prosecutors in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family (Q206, Q207, Q208 and Q209)


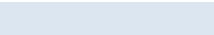


Beneficiaries	Declaration of assets for prosecutors in 2022: items to be declared, moment for the declaration and declaration concerning the members of the family															
	Items to be declared						Moment for the declaration				Declaration concerning the members of the family					
	Assets	Financial interests	Sources of income	Liabilities	Gifts	Other	At the beginning of the term of office	At the end of the term of office	When there is a significant change in the items	Other	Spouse	Partner	Children (under legal age)	Adult children	Other family members	Same declaration as for the prosecutor
Albania	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	No	Yes	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	Yes
Montenegro	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
North Macedonia	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Serbia	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Kosovo*	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	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 8.7.7 Declaration of assets for prosecutors in 2022: verification, registration and publication of the declaration (Q211, Q212 and Q213)

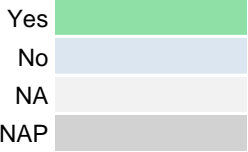
Beneficiaries	Declaration of assets for prosecutors in 2022: verification, registration and publication of the declaration								
	Declarations of assets verified by:				Register of declaration of assets	Declaration published			
	Timeliness	Completeness	Accuracy of the content	Unexplained financial 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	Yes	No	No	No
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 8.7.8 Declaration of assets for prosecutors in 2022: sanctions 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	Yes	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



* This designation 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 8.7.9 Declaration of assets for judges and prosecutors in 2022: 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					
	Proceedings against judges			Proceedings 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	2	0	0	0	0	0
Montenegro	9	2	2	2	1	1
North Macedonia	10	10	6	10	2	2
Serbia	70	58	58	12	7	7
Kosovo*	NA	NA	NA	NA	NA	NA
Average	23	18	17	6	3	3
Median	10	6	4	6	2	2
Minimum	2	0	0	0	0	0
Maximum	70	58	58	12	7	7

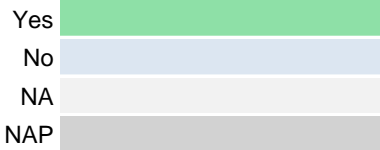
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.8 Conflict of interests

Table 8.8.1 Conflict of interests: procedures/mechanisms for managing (potential) conflicts of interest of judges in 2022 (Q217)


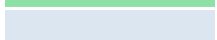
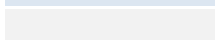

Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of judges				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession of a judge 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	Yes	Yes	Yes	No
Kosovo*	Yes	Yes	Yes	Yes	No



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

Table 8.8.2 Other functions/activities carried out by judges in 2022 (Q218, Q219, Q220 and Q221)


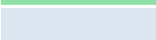


Beneficiaries	Other functions/activities carried out by judges																				
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			If no authorisation 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																	Yes				
Bosnia and Herzegovina																	No				
Montenegro																	Yes				
North Macedonia																	Yes				
Serbia																	Yes				
Kosovo*																	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 8.8.3 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2022 (Q222 and Q223)

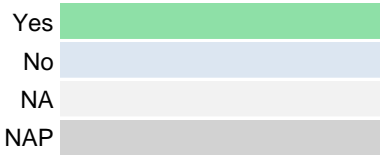
Beneficiaries	Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of judges in 2022															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on judges	Law on the High Judicial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on judges	Law on the High Judicial Council	Other
Albania	Yes	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No
Bosnia and Herzegovina	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	No	Yes	No
Montenegro	Yes	No	No	Yes	No	Yes	No	Yes	No	No	No	No	No	Yes	No	Yes
North Macedonia	Yes	No	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No
Serbia	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	Yes	No	Yes
Kosovo*	Yes	No	No	No	No	No	No	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 8.8.4 Conflict of interests: the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2022 (Q226)


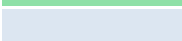


Beneficiaries	Procedures/mechanisms for managing (potential) conflicts of interest of prosecutors in 2022				
	Regulation/procedure on reporting a (potential) conflict of interest	Regulation/procedure for recusal/withdrawal from a case	Regulation on receiving gifts	Regulation on combining the profession 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	Yes	Yes	Yes	No
Kosovo*	Yes	No	Yes	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 8.8.5 Other functions/activities carried out by prosecutors in 2022 (Q227, Q228, Q229 and Q230)


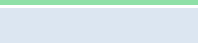


Beneficiaries	Other functions/activities carried out by prosecutors in 2022																				
	Teaching		Research and publication		Arbitrator		Consultant		Cultural function		Political function		Mediator		Other		Authorisation needed to perform these accessory activities	Authority giving authorisation			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	With remuneration	Without remuneration		The public prosecution office in question	High Judicial/Prosecutorial Council	Other	
Albania																	Yes				
Bosnia and Herzegovina																	No				
Montenegro																	Yes for some				
North Macedonia																	Yes				
Serbia																	Yes				
Kosovo*																	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 8.8.6 Existence of laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2022 (Q231 and Q232)

Beneficiaries	Laws/regulations for the proceedings and the sanctions for breaches of rules on conflicts of interest in respect of prosecutors in 2022															
	Law/regulation regulating the proceedings for breaches of rules on conflicts of interest							Law/regulation regulating the sanctions for breaches of rules on conflicts of interest								
	Law on prevention of conflict of interest	Criminal procedure code	Civil procedure code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the Judicial/ Prosecutorial Council	Other	Law on prevention of conflict of interest	Criminal procedure code	Criminal code	Civil procedure code	Civil code	Code of ethics	Law on public prosecutors/ public prosecution	Law on the High Judicial/ Prosecutorial Council	Other
Albania	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	No
Bosnia and Herzegovina	No	No	No	Yes	No	Yes	No	No	No	No	No	No	No	Yes	No	No
Montenegro	No	No	No	Yes	Yes	No	Yes	No	No	No	No	No	Yes	Yes	No	Yes
North Macedonia	Yes	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No
Serbia	No	No	No	No	Yes	No	Yes	No	No	No	No	No	No	Yes	No	Yes
Kosovo*	Yes	No	No	No	No	No	Yes	No	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 8.8.7 Number of procedures for breaches of rules on conflict of interest against judges and prosecutors in 2022 (Q224 and Q233)

Beneficiaries	Number of procedures for breaches of rules on conflict of interest					
	Procedures against judges			Procedures 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	0	0	0	0	0	0
Montenegro	37	35	0	12	0	0
North Macedonia	0	0	0	0	0	0
Serbia	2	2	2	1	0	0
Kosovo*	0	NA	NA	NA	NA	NA
Average	10	9	1	3	0	0
Median	1	1	0	1	0	0
Minimum	0	0	0	0	0	0
Maximum	37	35	2	12	0	0

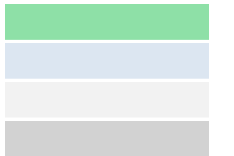
* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

8.9 Disciplinary procedure for judges and prosecutors

Table 8.9.1 Initiation of a disciplinary procedure against judges in 2022 (Q234)

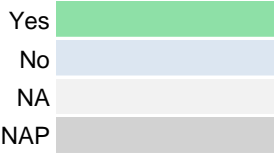
Beneficiaries	Disciplinary proceedings against judges could be initiated by:											
	Court users	Relevant Court or hierarchical superior	High Court / Supreme Court	High Judicial Council	Disciplinary court	Disciplinary body	Ombudsman	Parliament	Executive power	Other	This is not possible	Other
Albania												
Bosnia and Herzegovina												
Montenegro												
North Macedonia												
Serbia												
Kosovo*												



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

Table 8.9.2 Authority with disciplinary power in 2022 (Q235)


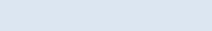
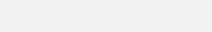

Beneficiaries	Authority with disciplinary power over judges							
	Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Albania			Yes					
Bosnia and Herzegovina			Yes					
Montenegro			Yes					
North Macedonia			Yes					
Serbia			Yes	Yes				
Kosovo*			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 8.9.3 Possibility for a judge to present an argumentation, to appeal to the disciplinary decision and the body competent to decide on an appeal in 2022 (Q236, Q240 and Q241)

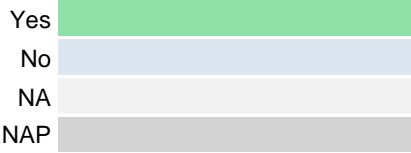
Beneficiaries	Possibility for a judge to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal and transfer of a judge without consent										
	Possibility for the judge to present an argumentation		Possibility to appeal to the disciplinary decision	Body competent to decide on an appeal							
	Hearing	Written submission		Court	Higher Court / Supreme Court	High Judicial Council	Disciplinary court or body	Ombudsman	Parliament	Executive power	Other
Albania	Yes	Yes	Yes	No	No	No	No	No	No	No	Yes
Bosnia and Herzegovina	Yes	Yes	Yes	No	No	Yes	No	No	No	No	Yes
Montenegro	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No
North Macedonia	Yes	Yes	Yes	No	Yes	No	No	No	No	No	No
Serbia	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No
Kosovo*	Yes	Yes	Yes	No	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 8.9.4 Reasons for transferring a judge without his/her consent in 2022 (Q242)

Beneficiaries	Reasons for transferring a judge without his/her consent		
	For disciplinary reasons	For organisational reasons	For other reason
Albania	Yes	Yes	Yes
Bosnia and Herzegovina	Yes	Yes	No
Montenegro	No	Yes	No
North Macedonia	No	Yes	No
Serbia	No	Yes	No
Kosovo*	Yes	Yes	No



* This designation is without prejudice to positions on status and

Table 8.9.5 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against judges in 2022 (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	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 (court) 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	37	3	34	0	0	0	3	0	3	0	0	0	3	0	2	NAP	0	1	0	0	NAP	0	0
Bosnia and Herzegovina	32	8	24	0	0	0	35	6	29	0	0	0	23	6	0	NAP	NAP	17	0	0	0	0	0
Montenegro	37	37	0	0	0	0	35	35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
North Macedonia	147	0	147	0	0	NAP	153	0	153	0	0	NAP	16	2	6	NAP	NAP	2	NAP	NAP	0	NAP	6
Serbia	18	4	12	0	0	2	13	2	7	0	0	4	9	7	NAP	NAP	NAP	1	NAP	NAP	NAP	1	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	54	10	43	0	0	1	48	9	38	0	0	1	10	3	2	-	-	4	0	0	0	0	1
Median	37	4	24	0	0	0	35	2	7	0	0	0	9	2	1	-	-	1	0	0	0	0	0
Minimum	18	0	0	0	0	0	3	0	0	0	0	0	0	0	0	-	-	0	0	0	0	0	0
Maximum	147	37	147	0	0	2	153	35	153	0	0	4	23	7	6	-	-	17	0	0	0	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 8.9.6 Description of professional inadequacy for judges in 2022 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	34	<p>LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.</p> <p>This includes the disciplinary violations from articles:</p> <p>Art. 101/1/b A magistrate commits a disciplinary misconduct, intentionally or due to negligence when, he/she b) while exercising the function disregards the law or facts manifestly caused intentionally or due to serious negligence or is blatantly professionally incompetent</p> <p>Art.102/1/a/b/c/d/dh Disciplinary misconducts during the exercise of the function are, in particular, but not limited to the acts, omissions or behaviors of the magistrate, as follows:</p> <p>a) Failure to submit a request for recusal from the proceedings or from the trial of the case, when it is mandatory under the law, if the magistrate is aware or should have been aware of such circumstances;</p> <p>b) Filing a request for recusal from proceeding or trial of the case, if this action is:</p> <p>(i) not based on reasons provided by law;</p> <p>(ii) done aiming at creating unfair benefit for the parties and third parties or aiming at shirking the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate;</p> <p>(iii) Non-submission of the request immediately after getting aware about the cause;</p> <p>c) Interference or unfair influence on the exercise of the function of another magistrate;</p> <p>ç) unjustified or repetitive non- fulfilment of the investigative or judicial functions;</p> <p>d) repeated delays or delays which cause serious consequences or unjustified procrastinations of the actions and/or procedural acts;</p> <p>dh) the action, omission or behaviour of the magistrate, which create unfair benefits or damages to the parties of a trial or investigation procedure, in violation of the law; Art 102/2/a/c Subject to provisions of letter “b”, paragraph 1 of Article 101 of this Law, the disciplinary misconducts during the exercise of function as a magistrate are, in particular, but not limited to the action, omission or behaviour of the magistrate, as follows:</p> <p>a) serious or repeated disregard of material and procedural legislation or erroneous implementation of the material and procedural legislation, when established by a higher court; c) issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting the circumstances of the fact, in all those cases where the law requires the issuance of the act in the reasoned form</p>

Table 8.9.6 Description of professional inadequacy for judges in 2022 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Bosnia and Herzegovina	24	<p>The following disciplinary offences are listed as the professional inadequacies:</p> <ol style="list-style-type: none"> 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. <p>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 professional ethics (including breach of integrity).</p>
Montenegro	0	<p>it is regulated by the Constitution as well as Law on Judicial Council and Judges that one of the reasons for dismissal can be unprofessionally and unconscientiously performing of duty. In disciplinary offences by the Law on Judicial Council and Judges, Article 108 t shall be deemed that the judge performs judicial function unprofessionally and unconscientiously if:</p> <ol style="list-style-type: none"> 1)they unjustifiably fail to achieve at least 50% of the results in terms of quantity of the work done which is measured against average quantity benchmarks in a specific type of cases set can provide valid reasons for not achieving the quantitative results; 2)they start holding the office of a Member of Parliament or any other public office or starts professionally dealing in some other activity; 3)they receive the grade unsatisfactory twice repeatedly; 4)they were imposed disciplinary sanctions for severe disciplinary offences two times; 5) they were imposed a sanction for heavy (serious) disciplinary offence twice.



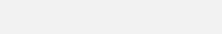
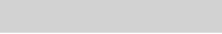
Table 8.9.6 Description of professional inadequacy for judges in 2022 (Q237 and Q237-1)

Beneficiaries	Description of professional inadequacy for judges in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
North Macedonia	147	<p>Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality of the work. The description of professional inadequacy follows:</p> <ol style="list-style-type: none"> 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 for determination of responsibility of the judge or president of the court by the 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 procedure for determination of responsibility of the judge or president of the court deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months). 3)is publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law 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. <p>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, 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 court shall be 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.</p> <p>The Commission will reject the request for determining responsibility of the judge or president of the court if the request:</p> <ul style="list-style-type: none"> - is not timely, - is not complete, or - clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court if commenced with a legal remedy. <p>In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determination of responsibility of the judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuing the procedure.</p> <p>If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from the date of the notification of the Council.</p>
Serbia	12	<p>Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 3 - unjustifiable delays in the drafting of decisions; Paragraph 3 -frequent tardiness for hearings; Paragraph 3 -frequent tardiness for hearings; Paragraph 8 –unjustifiable failure to notify the president of the court about cases with prolonged proceedings.</p>
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 8.9.7 Initiation of a disciplinary procedure against prosecutors in 2022 (Q243)


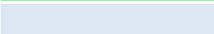
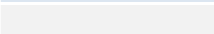

Beneficiaries	Disciplinary proceedings against prosecutors could be initiated by:										
	Citizens	Head of the organisational unit or hierarchical superior public prosecutor	Prosecutor General /State public prosecutor	Public Prosecutorial Council (High Judicial Council)	Disciplinary court	Disciplinary body	Ombudsman	Professional body	Executive power	Other	This is not possible
Albania						Yes					
Bosnia and Herzegovina						Yes					
Montenegro		Yes	Yes						Yes	Yes	
North Macedonia		Yes	Yes								
Serbia						Yes					
Kosovo*				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 8.9.8 Authority with disciplinary power over prosecutors in 2022 (Q244)


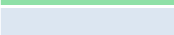
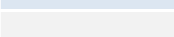
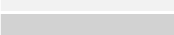
Beneficiaries	Authority with disciplinary power over prosecutors								
	Supreme Court	Head of the organisational unit or hierarchical superior	Prosecutor General/ State public prosecutor	Public prosecutorial Council (High Judicial Council)	Disciplinary court or body	Ombudsman	Professional body	Executive power	Other
Albania				Yes					
Bosnia and Herzegovina				Yes					
Montenegro				Yes					
North Macedonia				Yes	Yes				
Serbia				Yes	Yes				
Kosovo*				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 8.9.9 Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision and the body competent to decide on an appeal in 2022 (Q245, Q250 and Q251)

Beneficiaries	Possibility for a prosecutor to present an argumentation, to appeal to the disciplinary decision, the body competent to decide on an appeal											
	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	No	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 8.9.10 Number of initiated and completed disciplinary proceedings and number of sanctions pronounced against prosecutors in 2022 (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 (court) 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	4	0	3	0	1	0	3	0	2	0	1	0	2	0	0	NAP	0	0	0	NAP	0	NAP	1
Bosnia and Herzegovina	9	3	6	0	0	0	13	4	9	0	0	0	10	2	0	NAP	NAP	6	2	0	0	0	0
Montenegro	12	12	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	NAP	NAP	0	0	0
North Macedonia	8	1	7	0	0	NAP	8	1	7	0	0	NAP	4	0	0	NAP	NAP	2	NAP	NAP	2	NAP	0
Serbia	1	0	1	0	0	0	3	0	3	0	0	0	3	0	NAP	0	NAP	2	NAP	NAP	NAP	1	0
Kosovo*	8	0	8	0	0	0	15	2	13	0	0	0	11	8	NAP	NAP	NAP	1	2	NAP	NAP	NAP	NAP
Average	7	3	3	0	0	0	5	1	4	0	0	0	4	0	0	-	-	2	-	-	1	0	0
Median	8	1	3	0	0	0	3	0	3	0	0	0	3	0	0	-	-	2	-	-	0	0	0
Minimum	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	-	-	0	-	-	0	0	0
Maximum	12	12	7	0	1	0	13	4	9	0	1	0	10	2	0	-	-	6	-	-	2	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 8.9.11 Description of professional inadequacy for prosecutors in 2022 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Albania	3	<p>LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.</p> <p>This includes the disciplinary violations from articles:</p> <p>Art. 101/1/b A magistrate commits a disciplinary misconduct, intentionally or due to negligence when, he/she b) while exercising the function disregards the law or facts manifestly caused intentionally or due to serious negligence or is blatantly professionally incompetent</p> <p>Art.102/1/a/b/c/d/dh Disciplinary misconducts during the exercise of the function are, in particular, but not limited to the acts, omissions or behaviors of the magistrate, as follows:</p> <p>a) Failure to submit a request for recusal from the proceedings or from the trial of the case, when it is mandatory under the law, if the magistrate is aware or should have been aware of such circumstances;</p> <p>b) Filing a request for recusal from proceeding or trial of the case, if this action is:</p> <p>(i) not based on reasons provided by law;</p> <p>(ii) done aiming at creating unfair benefit for the parties and third parties or aiming at shirking the legal responsibility to review the case or aiming at creating the possibility of assigning the case to another magistrate;</p> <p>(iii) Non-submission of the request immediately after getting aware about the cause;</p> <p>c) Interference or unfair influence on the exercise of the function of another magistrate;</p> <p>ç) unjustified or repetitive non- fulfilment of the investigative or judicial functions;</p> <p>d) repeated delays or delays which cause serious consequences or unjustified procrastinations of the actions and/or procedural acts;</p> <p>dh) the action, omission or behaviour of the magistrate, which create unfair benefits or damages to the parties of a trial or investigation procedure, in violation of the law; Art 102/2/a/c Subject to provisions of letter "b", paragraph 1 of Article 101 of this Law, the disciplinary misconducts during the exercise of function as a magistrate are, in particular, but not limited to the action, omission or behaviour of the magistrate, as follows:</p> <p>a) serious or repeated disregard of material and procedural legislation or erroneous implementation of the material and procedural legislation, when established by a higher court; c) issuance of unreasoned acts or acts containing in the reasoning only conclusions on the applicable law without presenting the circumstances of the fact, in all those cases where the law requires the issuance of the act in the reasoned form</p>

Table 8.9.11 Description of professional inadequacy for prosecutors in 2022 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
Bosnia and Herzegovina	6	<p>For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:</p> <ol style="list-style-type: none"> 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. <p>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 p Breach of professional ethics (including breach of integrity).</p>
Montenegro	0	<p>Article 108 of the Law on State prosecution Service, particularly provisions below: It shall be deemed that the state prosecutor performs prosecutorial function unprofessionally and uncc</p> <ol style="list-style-type: none"> 1)they unjustifiably fail to achieve at least 50% of the results in terms of quantity of the work done which is measured against average quantity benchmarks in a specific type of cases s state prosecutor can provide valid reasons for not achieving the quantitative results; 2)they start holding the office of a Member of Parliament or any other public office or starts professionally dealing in some other activity; 3)they receive the grade unsatisfactory twice repeatedly; 4)they were imposed disciplinary sanctions for severe disciplinary offences two times; 5) they commit a more serious disciplinary offense which caused significant damage to the reputation of the State Prosecutor's Office.

Table 8.9.11 Description of professional inadequacy for prosecutors in 2022 (Q246 and Q246-1)

Beneficiaries	Description of professional inadequacy for prosecutors in 2022	
	Number of initiated cases of professional inadequacy	Description of "professional inadequacy"
North Macedonia	7	<p>Law on Public Prosecution Office DISCIPLINARY INFRINGEMENT</p> <p>Article 90 Disciplinary infringements committed by public prosecutor shall be:</p> <ul style="list-style-type: none"> -serious disciplinary infringement and -mild disciplinary infringement. <p>Article 91 Serious disciplinary infringement shall be:</p> <ul style="list-style-type: none"> - 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 office, including the falsification of the 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 in situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted 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 negligence, -if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when prohibited by law, -if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability, - precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justification, causing a significant delay of the procedure or, the criminal prosecution falls within statute of limitation, - if they do not start working on cases under the successive order as received through the Case Management Information System in the public prosecution, without any justifiable reason, or -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 instructions. <p>Article 92 Mild disciplinary infringement shall be:</p> <ul style="list-style-type: none"> -minor violation of the public order and peace and other more serious forms of inappropriate behaviour, thus undermining the repute of the public prosecutors and public prosecution office, -non-fulfilment of mentor-like obligations, -violation of rights related to absence from work, -if they do not show up or are unjustifiable late for the scheduled hearings or court sessions, -failure to abide by Article 71 paragraph (2) of this Law, -non-fulfilment of the duty for attending obligatory trainings, and -not wearing togas during trials.
Serbia	1	Performing of the work duties after the deadline and in an unsatisfactory manner, which is reflected in the procrastination of the procedure.
Kosovo*	8	Article 6 of Law on disciplinary liability of 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.

Indicator 8 - Accountability and processes affecting public trust

by country

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by the law or another regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by the law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

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 prosecutors?

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 173-1. Does the Code of Ethics contain principles on:

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 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or 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 178-1. How many opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or 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 181-1. How many opinions were given during the reference year?

Question 182. Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?

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 185-1. How many reassignments of cases were processed in the reference year?

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 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 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 assets:
- Question 217. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:
- 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 judges regulated?
- Question 223. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:
- Question 224. Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year
- Question 226. Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:
- 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 prosecutors regulated?
- Question 232. In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:
- Question 233. Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year
- 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 possible):
- 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

Q156 (General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

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.

Q156 (2022): The requests for excessive length of proceedings and non-execution of court decisions, have been introduced as a separate request to the court by national law in 2017. According to the Civil Procedural Code the procedure is divided in 2 different phases. The first phase is logged as a simple request to the court and is registered in the CMS system as non-litigious cases either civil or administrative depending on the court. They are registered without a specific identifying code. The second phase is logged as litigious case based on tort legal provisions. We cannot identify these specific cases within the category. We will tackle this issue while creating the new CMS system.

Regarding the requests for wrongful arrest / detention and wrongful conviction, these cases are registered as litigious administrative cases and do not have a specific identifying code in the CMS.

Q156 (2019): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms". Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter.

Q160 (General Comment): As provided by the Criminal Procedure Code, Parties may request the disqualification of a 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 are provided by civil procedures and administrative procedures codes.

The judge is obliged to withdraw from a case when:

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 same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.

The request for dismissing a judge of the appeals court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a final form.

Q160 (2021): As provided by the Criminal Procedure Code, Parties may request the disqualification of a 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 are provided by civil procedures and administrative procedures codes

Q161 (2019): The party files a complaint, which is considered by an other judge, assigned by lot.

Q162 (General Comment): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

According to the Law “On the governance institutions of the justice system”, as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.

Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors General Prosecution;
- b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
- c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions 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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Q162 (2021): According to the Constitution and Law “On the status of judges and prosecutors”, 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.

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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Instruction on specific issues, according to Article 48, of this law are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction, notify in written the head of the prosecution or the section.

Q162 (2019): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

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", non-binding 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.

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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Q162-0 (General Comment): Article 148 of the Constitution of Albania

1. The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties in accordance with the law.
2. The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.
3. The prosecution is organized and functions near the judiciary system.
4. A Special Prosecution Office, which is independent from the Prosecutor General, and an independent investigation unit, shall investigate and prosecute corruption, organized crime and crimes in accordance with article 135 paragraph 2 of the Constitution. The independent investigation unit shall be subordinate to the Special Prosecution Office.

Q162-2 (General Comment): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.

Q162-2-0 (General Comment): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and the head of section for prosecutors in the relevant section.

Q162-5 (General Comment): According to Article 48/2, 5, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

Q164 (2022): The judges' independence is guaranteed by the constitution, by special law, by Procedural Codes both civil and penal as well as bylaws (e.g. Code of ethics)

Q164 (2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation and functioning of the prosecution office provides the relevant provisions enacting the principle of independence of judges and prosecutors.

Q166 (2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation and functioning of the prosecution office provides the relevant provisions enacting the principle of independence of judges and prosecutors.

Q171 (2021): In accordance with Article 148/d, point 4, of the Constitution and Article 151, of Law "On the status of 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) prosecutors.

Q172-0 (2022): There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. <https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%2022.04.2021-P%20MIRATIMIN-E-%20KODI-I-ETIK%20S-GJYQ%20SORE%209d.pdf>

Q173 (2019): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83 "Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria. Additionally, the HJC, by Decision No. 13 of 18.01.2019, established the four standing committees of the HJC, among which the committee of Ethical and Professional Performance Evaluation. This committee has finalized a regulation that includes a scoring grid on judges' professional and ethical evaluation and will further develop all the relevant criteria mentioned on the law 96/2016, which will be used for both the periodic evaluation of judges and at the same time will serve as a solid baseline/platform for their promotion. In parallel, as previously reported, the observance of magistrates to the ethical rules is subject to evaluation by the re-evaluation bodies under Law no 84/2016 "on the transitional re-assessment of judges and prosecutors in the Republic of Albania", and further on, will be part of the professional evaluation of magistrates by the HJC, according to Chapter II "criteria, sources and evaluation levels" of Law no 96/2016, Article 75, which is dedicated to ethics and commitment to professional values. The HJC, by decision No. 208 dated 11.10.2019 appointed an ethics adviser.

Q173-1 (2022): Section 9/gj of the Code of ethics has provisions on relationship with press agencies other paragraphs regulate nondisclosure, it also regulates extrajudicial activities and the use of the term magistrate on those activities.

Q175 (General Comment): The updating of the Code of Ethics is realized when new circumstances are necessary to take in consideration prosecutor's ethic conduct or when changes are approved in law

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.

Q175 (2019): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General Prosecutor until the moment the rules on ethics will be approved by the High Prosecutorial Council, in accordance with this provision

Q175-1 (General Comment): The prosecutor's Code of Ethics contains the basic principles and rules of the prosecutor's conduct, during and outside the exercise of duty, involvement in activities outside the prosecution and the way of implementing these rules. Each of the principles and rules is reflected in separate articles of this code, where are given some concrete non-exhaustive examples for the way of implementation in order for the prosecutors to understand better the purpose of these rules.

Q177 (2022): According to art 83 of the law no 115/2016, The judge of ethics, (which is a single judge, appointed by HJC) gives opinions on ethic related aspects while the HJC is the responsible body that sets the code of ethics.

Q177 (2019): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee are formed by judges and other legal professionals, the ethics adviser is a judge.

Q178 (2019): There have been issued no such opinions, yet. It depends on the approval of the new code of ethics for judges.

Q179 (General Comment): According to the Law "On the governance institutions of the justice system", the Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Q179 (2021): According to the Law "On the governance institutions of the justice system", the Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Q180 (2019): The High Prosecutorial Council appoints an Ethics Adviser among the prosecutors

Q181 (General Comment): According to the Law "On the governance institutions of the justice system", the Ethics Adviser which was appointed during the reference year from High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities

Q181 (2019): The Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- (c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Q181-1 (2022): The High Prosecutorial Council handled a request of a prosecutor in the general jurisdiction offices to engage as an expert in monitoring the activity of the Special Prosecutor's Office against Corruption and Organized Crime, within the framework of a project implemented by an NPO. According to the law, the prosecutor has the right to participate in off-duty activities related to legal issues, the legal system and the administration of justice.

However, the prosecutor's request was related to the monitoring of the work of the Special Prosecutor's Office for various issues, therefore, this request contradicted the criteria provided for in Article 9, point 1, letter "dh", of the Law "On the status of judges and prosecutors", as amended, where it is stated that, the activities outside the function should not be incompatible with the exercise of the function of the magistrate.

In the "Standards with the Rules of Ethics and the Rules of Conduct of the Prosecutor" have been established some basic principles which aim to increase impartiality during and outside the exercise of the functions of the prosecutor, support the implementation of the highest standards of ethical and professional behaviour, preserve the image of the professional, as well as the appropriate behaviour in the office in court or outside these premises of the prosecutor. In article 5, letters "b" and "ç", of these Rules, related to the principle of impartiality, it is provided that the Prosecutor must: b) avoid any type of behaviour that may create the impression of partiality; ç) avoids situations that can reasonably be perceived as leading to a conflict of interest.

The High Prosecutorial Council assessed that the prosecutor's participation in off-duty activities to monitor the activity of the Special Prosecutor's Office against Corruption and Organized Crime was incompatible with the activity of the magistrate, violates the principles of independence and impartiality of the prosecutor, as well as the principle of avoidance of conflict of interest.

In the same time, the law has provide special bodies such as the High Prosecutorial Council and the Parliament which monitor the activity of the Special Prosecution against Corruption and Organized Crime, as this institution reports to them on its annual activity.

Q182 (General Comment): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors. According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption 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 in the Republic of Albania”, as amended, and is the right to report attempts to influence/corruption on prosecutors/judges through complaints filed by any person to the High Justice Inspectorate.

Also, in cases where there is credible evidence that a prosecutor/judge has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution office.

Q182 (2021): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors. According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

A general mechanism is provided in Article 119, of the Law “On the status of judges and prosecutors”, and is the right to report attempts to influence/corruption on prosecutors through complaints filed by any person to the High Justice Inspectorate.

In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

Q182 (2020): Judge must report any attempt of influence/corruption

Q182 (2019): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors.

According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

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In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right to confidentiality. The High Justice Inspector publishes the complaint form template on his official website, in order to facilitate the submission of complaints. The High Prosecutorial Council takes disciplinary action in accordance with the violation found and if there is evidence of influence/corruption, the prosecutor is subject to a criminal charge.

Also, a special mechanism is set out in Article 42, of Law no. 95/2016, "On the organization and functioning of institutions to combat corruption and organized crime", which provides that, in the National Bureau of Investigation which depends on the Special Prosecution, acts an officer in charge of surveillance. Each month, a ready Special Prosecutor directs, controls, and monitors the officer in charge of surveillance. The responsible officer reports any information that raises reasonable suspicions of corrupt or criminal activity to the Special Prosecutor. If there is a reasonable suspicion that the Special Prosecutor is involved in criminal activity, then the responsible officer reports to any of the Special Prosecutors in the Special Prosecution Office, who appears not to have been involved in the suspicious activity.

Q184 (General Comment): Every intervention made while distributing cases by electronic lot is logged in the system, this means a third party can audit in every moment the procedure of the lot, and see if it has been done according to the rules in place. Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

Q184 (2019): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

Q185-1 (2022): The HJC is yet to collect statistical datas regarding the reported year

Q190 (General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level.

However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.

Q190 (2019): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level. However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.

Q192 (2022): <https://www.ildkpkj.al/formularet-e-deklarimit-3/>

Q193 (General Comment): Article 3/1 of law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, that follows article 3, and it states:

“Article 3/1

Declaration of assets for candidates in different positions in the justice system institutions 1. The following shall have the obligation to declare assets and private interests: a) candidates expressing their interest on Constitutional Court vacancies, in accordance with the provisions of the legislation regulating the governance of the justice system; b) candidates expressing their interest to become High Justice Inspector as well as non-magistrate candidates interested in becoming inspector in the High Justice Inspector Office, in accordance with the provisions of the legislation regulating the governance of the justice system; c) candidates for admission in the initial training of the School of Magistrates as well as graduates that are candidates for magistrate, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ç) candidates for judge and judicial civil servant in the special courts against corruption and organised crime, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; d) candidates for prosecutor, investigation officer, administrative personnel of the Special Prosecutor’s Office, National Bureau of Investigation, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; dh) candidates who seek promotion in higher or more specialised levels, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; e) candidates for member of the High Court from the ranks of distinguished legal experts, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ë) candidates for president of other courts or prosecutor’s offices, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; f) any other person that is subject to the obligation of declaration before candidacy, in accordance with the effective legislation.

2. Candidates for the positions referred to in point 1 of this article, who are subject to the obligation to declare private interests in accordance with the provisions of Article 3 of this law, shall not perform a new declaration, but shall be subjected to full audit of assets. In the event during 180 days prior to the submission of the request, the candidate has already been audited by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests and the audit didn’t prove to be disfavourable for them, then the audit shall be considered as already performed.

3. The High Inspectorate shall perform full audit on the verification of truthfulness and accuracy of the data contained in the declarations of persons referred to in point 1 of this article within 2 months from the submission of the declaration, unless otherwise stipulated by the law. At the end of verification, the General Inspector shall immediately send the relevant verification reports to the relevant institutions.”

Article 3/1 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, specifies the obligation to declare for the candidates for different positions in the justice system.

This article has been added with the amendments made to the law, by law no. 42/2017, dated 6.4.2017, “On some changes and additions to the law no. 9049, dated 10.4.2003 ‘On the declaration and control of the assets, financial obligations of the elected and some public employees’, as amended”.

Q193 (2019): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
- h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;

Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.

2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

Q194 (General Comment): Article 7 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, sets out the provisions regarding the annual periodic declaration:

“Article 7

Annual Periodic Declaration

1. Periodic declarations shall only include the changes to the previously declared assets, financial obligations, and private interests, in accordance with Article 6 of this law, those appearing during the declaration year and any earned income and declarable expenditure carried out during the year being declared.
2. The declarations prior to the beginning of duty, according to Article 5/1 of this Law, and the declaration after leaving office, according to Article 7/1 of this Law, shall be specific instances of the periodic declaration.
3. All officials and other persons related, who have the obligation to declare, shall be obliged to present their declaration, by March 31 of each year, to the authority or responsible structure of the public institution contemplated in the legislation applicable to the prevention of conflict of interests in the exercise of public functions.
4. When the official transfers the rights of active ownership of shares or parts of the capital, according to the provisions of the legislation applicable to the prevention of conflict of interests in the exercise of public functions, in the periodic declaration, as long as this situation continues, they shall only declare the status of such rights before the transfer and the earning from property they effectively received during the year for which the declaration is made.
5. For the purpose of declaration before taking office, annual periodic declaration, or after leaving office, according to the above points of this article, the persons related to the officials who have the obligation to make a declaration shall include only the spouse, cohabitant, and their adult children.”

Article 9 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, sets out the provisions regarding the declaration on request:

“Article 9

Declaration on Request

1. The Inspector General shall have the duty to request the declaration of assets and private interests and the sources of their creation, according to the requirements of this Law, as well as to order the inspection of the accuracy of these declarations even for individuals, or natural and legal persons, when, from the verifications made, it turns out that the latter are persons related to entities that have the obligation to declare periodically.
2. The definition of a related person, pursuant to point 1 of this Article, shall also apply to a trustee, as defined in the legislation applicable to prevention of conflict of interests in the exercise of public functions, as well as to the cohabitants as defined by the Family Code.
3. The Inspector General, for the purpose of verifying the declaration of income, in accordance with the legislation applicable to income tax, shall send to the Minister of Finance and the General Director of Taxation information about the list of individuals who result as persons related with the declaring entities that have the obligation to declare, according to point 1 of this Article.”

Q195 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

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Q198 (General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

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 data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Q200 (General Comment): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law "On the right to information" and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

Q200 (2022): Asset declarations are made public upon requests coming from citizens, NGO, Media and for the period, 2014 - 2022, approximately 66,204 copies of declaration forms were made publicly available. During the year 2021, 3,553 declarations were made publicly available, while during 2022, 4,271 declarations were made publicly available. In general declarations are made public through requests coming from citizens, NGO, and Media, which can be submitted through the official email address or in writing to HIDACCI. Through the processing of such requests hard copies of the requested declaration forms are provided in compliance with the provisions of the laws on the right of information and the protection of personal data. These declarations are usually published in open data sources such as Open Data Albania. However as of 2022, with the implementation and improvement of the new online declaration system (EACIDS) which is now fully functional for declaration purposes, the publication of all the declarations is possible through this system for public access.

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Q201 (General Comment): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment”.



Disciplinary sanction , Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”.

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Q202 (2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the   Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

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For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

Q202 (2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

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Q205 (2022): <https://www.ildkpkj.al/formularet-e-deklarimit-3/>

Q205 (2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

Q205 (2019): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Q206 (General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
- h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;

Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.

2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

Q206 (2022): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

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Q207 (General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

Q207 (2021): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, 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

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Q208 (General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

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Q208 (2019): Also, the declaration involves other familiars of the prosecutor listed on the family certificate at the moment of submitting the declaration.

Q211 (General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Q213 (2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are 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.

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Q214 (General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:

a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or 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” disciplinary sanction, Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”.

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(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

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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 and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. 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.

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Q217 (General Comment): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.

2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.

3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind.

4.Law no. 96/2016 date 6.10.2016 art. 9.

Q217 (2022): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

Q217 (2021): <https://www.ildkpi.al/legjislacioni-section2-en/?lang=en> law on conflicts of interes provides rules on 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

Q217 (2019): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule

2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations

3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind

4.Law no. 96/2016 date 6.10.2016 art. 9

Q218 (General Comment): Article 9 of the Law no 986/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced; d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities. 3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on: a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months. 5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council. 6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate: a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law; 8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office. 9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

Q218 (2022): Article 9 of the Law no 986/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;

d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.

3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:

a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.

5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.

6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:

a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;

8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.

9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

Q222 (General Comment): In the Law "On the status of judges and prosecutors", as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, "On the prevention of conflicts of interest in the exercise of public functions", as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Q222 (2019): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine

Q223 (General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

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Q224 (General Comment): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. HIDAACI, for all the subjects involved in this process, took measures for the compilation of individual physical files, which included systematically and thoroughly the form of declaration of assets, the justifying documents and following all the correspondence related to the reevaluation process. All documentation administered in the file is reflected in each case in the file inventory.

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 and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their

Q224 (2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

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5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Q226 (General Comment): There is legislation in force which directly prohibits the conflict of interests of the 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 the prosecutor's performance are:

- a) ... reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest.

Also, according to Article 102, of the Law “On the status of judges and prosecutors”, as amended, disciplinary violations in the exercise of office shall be the actions, omissions or behaviours of the magistrate, as follows: p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

In Article 7 of 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:

1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-

Q226 (2022): The following laws are related with the prevention of conflict of interest of prosecutors:

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”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of 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", of High Prosecutorial Council
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 High Prosecutorial Council

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 parties;
 - d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;
 - dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

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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.

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In Article 7 of 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:

1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-by-case basis, of the existence of his private interests, which may cause to arise a conflict of interest.
2. The case-by-case declaration of private interests shall be made at any time by the official when so requested by the superior or by the superior institution. The declaration, as a rule, must be sought and made in advance. Where this is not possible or where this has not happened, the declaration may be requested and made as soon as possible.
3. Self-declaration or declaration upon request shall be made as a rule in writing when the official is involved in a decision-making on an act. Written declaration is not necessary where the official's verbal statements are recordable and documented, according to procedures established by law and / or in the internal regulations of the public institution where the official exercises his or her functions.

Q227 (General Comment): According to Article 9, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:

- a) are in accordance with the dignity of exercising the function;
- b) do not create perceptions of influence or bias during the exercise of the function;
- c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
- ç) do not conflict with the purpose for which the workload has been reduced;
- d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
- dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.

The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation.

The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.

Q231 (2022): Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI). According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position. In article 45, it is determined that any violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative liability. The measures and procedures defined by the Constitution and the relevant law (Law "On the status of judges and prosecutors", as amended) apply to officials who are members of constitutional bodies (such as prosecutor's offices). According to Article 26, of Criminal Procedural Code, the prosecutor has the duty to resign when there are reasons of one-sidedness in the cases provided by Article 17. On the declaration of relinquishment, according to their duties dhe decision is taken from the head of the prosecution at the court of first instance, of the prosecution at the court of appeal, the General Prosecutor and the head of the Special Prosecution. For the heads of prosecutions, the decision is taken from dhe heads of the higher prosecution offices. With the decision accepting the relinquishment declaration, the prosecutor who resigned is replaced by another prosecutor. In Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor" of High Prosecutorial Council is provided that, the head of the prosecution office oversees compliance with the rules of conduct and ethics of the prosecutor and reports every problem to the High Council of Prosecution. Violation of the standards of ethics and rules of conduct of the prosecutor when it does not constitute grounds for disciplinary responsibility is taken into consideration within the ethical and professional assessment of the prosecutor. According to the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, 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 is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure.

Q231 (2021): In the Law “On the status of judges and prosecutors”, as amended, are the provided possible cases for 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 influence by other Magistrates, lawyers, political functionaries, public officials or other entities;
 -
 - p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

Q232 (General Comment): Please briefly describe the procedure: In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this 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, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

Q232 (2021): other: In the Law “On the status of judges and prosecutors” 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.

Q232 (2019): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

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Q233 (2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assessees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assessees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets; (d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

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The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

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(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Q234 (2022): Disiplinary body (Hight Inspector of Justice)

Q234 (2020): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Q234 (2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Q235 (2019): The judge shall be disciplinarily liable under the law.

The judge shall be dismissed by decision of the High Judicial Council when:

- a) Committing serious professional or ethical misconduct which discredit the position and the image of the judge in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

The judge shall be suspended from duty by decision of the High Judicial Council when:

- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
- b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Against the dismissal decision may be appealed to the Constitutional Court.

Q236 (General Comment): Article 141 of the LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.

Rights and Obligations of Parties during the Disciplinary Proceeding

1. During disciplinary proceedings, the magistrate or his/her representative shall be provided access to the file, so far as it does not endanger:

- a) the legal interests of the parties or third persons;
- b) the functions of the deciding body,
- c) the purpose of the proceedings.

2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) to submit a written defence within a specified time;
- b) to attend any hearing;
- c) to call witnesses who may provide information of significance to the case;
- ç) to present documents;
- d) to take other measures for the purpose of providing evidence in support of his or her defence;

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dh)to be represented under the provisions of the Code of Administrative Procedures,

e) recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

Q236 (2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents. 1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,
- e) Recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Q237 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

Q238 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

Q239 (2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant councils.

Q239 (2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

Q241 (General Comment): Article 140 of the Constitution 1. The judge is disciplinarily liable under the law.

2. The judge is dismissed by decision of the High Judicial Council when:

- a) commits serious professional or ethical misconduct that discredit the position and image of judge while exercising the duty;
- b) sentenced by final court decision for the commission of a crime.

3. The judge is suspended from duty by decision of the High Judicial Council when:

- a) upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for the commission of a criminal offence;
- b) he/she obtains the capacity of defendant for a serious offence committed intentionally;
- c) disciplinary proceedings are initiated, as per the law.

4. Against the decision of dismissal an appeal may be made to the Constitutional Court.

Q242 (General Comment): Article 44 of the LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.

Article 44

Transfer without Consent

1. Magistrates shall be transferred without their consent only in the following cases:

- a) implementing a disciplinary measure;
- b) where a magistrate's position is abolished as the result of changes in the administrative structure and territorial powers of the courts or prosecution offices, following an assessment based on objective and transparent criteria;
- c) as a consequence of establishing a family relationship amounting to an environmental incompatibility in the sense of Article 8, of this Law;
- ç) in case of temporary shortage of magistrates in a court or prosecution office which cannot be covered by the magistrates in the mobility scheme in accordance with the provisions contained in the Article 46 of this Law.

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2. Where a magistrate's position is abolished in accordance with letter 'b' of paragraph 1 of this Article, he or she shall:

- a) be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office where the magistrate has previously exercised the function, or where this is not possible,
- b) have the right to choose to be transferred to any position at the same

Q242 (2019): The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where: a) The misconduct is serious; b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

1. Magistrates shall be transferred without their consent only in the following cases:

a) Implementing a disciplinary measure;

b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or prosecution offices, following an assessment based on objective and transparent criteria;

ç) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall: a) Be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to become vacant within six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence.

3. In case of a temporary shortage of magistrates under letter 'ç' paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or shall temporarily transfer a magistrate in accordance with Article 46 of this Law.

4. A magistrate shall have the right to appeal before the court against a decision on a transfer without consent within 5 days from the notification of the decision of the Council. The examination of the appeal by the court shall not suspend the transfer decision.

Q243 (General Comment): The High Inspector of Justice is a constitutional institution. Article 147/d/1 of the CONSTITUTION

The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Q243 (2022): Disiplinary body (Hight Inspector of Justice)

Q243 (2021): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Q243 (2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Please note that these institutional changes were a result of the justice reform in Albania.

Q244 (2022): High Prosecutorial Council

Q244 (2019): 1. The prosecutor shall be disciplinarily liable in accordance with the law.

2. The prosecutor shall be dismissed upon decision of the High Prosecutorial Council when:

a) Committing serious professional or ethical misconduct which discredit the position and the image of the prosecutor in the course of performing the duty;

b) Sentenced by a final court decision for commission of a crime.

3. Against the dismissal decision may be appealed to the Constitutional Court.

4. The prosecutor shall be suspended from duty upon decision of the High Prosecutorial Council when:

a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;

b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;

c) Disciplinary proceedings being initiated under the law”.

Q245 (2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

a) fundamental rights of another person, or

b) national security, as defined by the legislation on classified information, or

c) prevention, investigation and prosecution of criminal offences;

ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2.

A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

a) To submit a written defence within a specified time;

b) To attend the hearing;

c) To call witnesses who may provide information of significance to the case;

ç) To present documents;

d) To take other measures for the purpose of providing evidence in support of his or her defence;

dh) To be represented under the provisions of the Code of Administrative Procedures,

e) Recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Q246 (2019): In terms of Law “On the status of judges and prosecutors”, as amended, submitting a disciplinary complaint and the initiation of a disciplinary investigation by the Chief Justice Inspector are two different legal concepts. In the transitional provisions of this law is stipulated that, until the establishment of the Chief Justice Inspector (not yet established), the investigation of disciplinary violations for prosecutors shall be conducted by the General Prosecutor. While, disciplinary measure is taken by the High Prosecutorial Council. The General Prosecution, exercising the competencies of Chief Justice Inspector has 3 months to assess the admissibility of the complaint as well as 6 months to conduct a disciplinary investigation, with the option of delaying another 3 months. After these terms, Chief Justice Inspector starts a disciplinary proceeding submitting the report and the folder (documents) of investigation to the High Prosecutorial Council.

During 2019, only in 1 (one) case a prosecutor was dismissed from the High Prosecutorial Council, for committing the criminal offence (Article 300, of the Criminal Code).

Q248 (2022): In the case of the second disciplinary proceeding completed during 2022, the High Justice Inspector has proposed to the High Prosecutorial Council, the appointment of the disciplinary measure "Public notice" for the prosecutor and for the head of the prosecution office, for the disciplinary violations provided in Article 102/1, letters "ç", "dh", and "l", of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended. At the end of the disciplinary proceeding, with Decision no. 31, dated 24.02.2022, High Prosecutorial Council rejected the proposal of the High Justice Inspector to give the disciplinary measure "Public notice" to the two magistrates.

Q248 (2020): The proposal of Chief Justice Inspector for disciplinary measure “Public remark” for ta prosecutor was found not based in law from the majority of members of the Council and the proposal was rejected by the Decision no. 269, dated 17.12.2020, of High Prosecutorial Council.

Q251 (2022): Article 147 of the Law no. 96/2016 ON THE STATUS OF JUDGES AND PROSECUTORS

IN THE REPUBLIC OF ALBANIA

Right to Appeal Disciplinary Decisions

1. The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.
2. The High Justice Inspector shall have the right to appeal any decision of the Council in disciplinary matters before the competent court.

Q251 (2020): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

Against the dismissal decision may be appealed to the Constitutional Court.

Q251 (2019): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.

Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

Q156 (General Comment): Parties to court proceedings may lodge complaints about the work of courts to various institutions in Bosnia and Herzegovina, as explained in the response below. If those institutions find that the complaints are well founded, they order that irregularities in the work of the court be corrected and in addition, in some cases, award compensation to the complainants. The information provided in the answer to the Question 156 relates to all complaints about the work of the courts submitted to the institutions listed below in 2022.

Excessive length of proceedings/Non execution of court decisions: A person whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. **Wrongful arrest/detention 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 pronounced a criminal sanction other than imprisonment or he was pronounced guilty but freed from sanction; (v) a person who was imprisoned without a legal ground is entitled to compensation of damages if no pretrial detention was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal

Q156 (2022): The Constitutional Court of Bosnia and Herzegovina reported that the influx of cases at the Constitutional Court of BiH varies from year to year. Depending on the influx, other data on cases of the Constitutional Court of Bosnia and Herzegovina also vary. The Constitutional Court of BiH could not give an answer as to what factors influenced that figure. In previous years, the only thing that was evident was that cases involving the length of court procedures and the non-enforcement of court decisions had an effect on the total number of incoming cases. This was not the case in 2022, due to the fact that a certain number of these cases were processed by courts within the new legislative framework that regulates the protection of the right to a trial within reasonable time. According to the Constitutional Court of BiH, most of their cases concern allegations regarding the violation of the right to a fair trial (Article 6 of the European Convention) and the right to property (Article 1 of Protocol No. 1 to the European Convention) as well as cases in which the Constitutional Court of BiH is petitioned to proceed as a court of the fourth instance.

A legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in one part of the jurisdiction in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In other parts of the jurisdiction of BiH, the establishment of this legislative framework is underway. When it comes to the number of motions to expedite case resolution, a total of 154 motions were filed to the courts in 2022. In 2022, the courts granted 39 and denied/dissmissed 76 motions of the parties. In addition, the courts received 15 claims for damages last year. In 7 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 5 cases.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 347 complaints against courts in 2022; the structure of the complaints was as follows: 29 complaints alleging excessive length of proceedings, 22 complaints alleging ineffective enforcement of court decisions, 12 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 282 complaints related to the violation of other rights related to court procedure. In 2022 the Ombudsman issued 67 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants of the work of courts and other institutions.

Q156 (2021): Number of requests shown in the table refers to the requests received in 2021 and number of the 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 condemnations and the amount of compensation were based on the circumstances of individual cases.

Q156 (2020): Specific comments for 2020: Number of requests shown in the table refers to the requests received in 2020 and number of the condemnations refers to the total number of condemnations in 2020, regardless of the year of request.

There were significant variations between data for 2020 and 2019.

In particular, the Constitutional Court of Bosnia and Herzegovina reported that during 2020 it rejected all individual applications alleging the non-execution of court decisions against public sector debtors (e.g. government, state-owned companies, local self-government units etc.). Having concluded that the non-execution of court decisions against public sector debtors was a systematic problem, in relation to the Article 6 of the European Convention the Human Rights, the Constitutional Court of Bosnia and Herzegovina introduced the previously mentioned policy. In addition, the Constitutional Court of Bosnia and Herzegovina requested the relevant authorities to take comprehensive corrective activities. As for the increased number of condemnations regarding excessive length of court proceedings in 2020, the Constitutional Court of Bosnia and Herzegovina reported that the higher number of condemnations corresponds with the relevant authorities' continued lack of success to take efficient legislative and other measures to reduce the length of proceedings at the courts in Bosnia and Herzegovina. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2019 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders) stated that the numbers of requests and condemnations and the amount of compensation depend on the circumstances of individual cases.

Q156 (2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request. There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained by the relevant institutions (i. e. ministries of justice, public defenders) as the increase or decrease, registered specially in 2019, in terms of the number of requests, the number of condemnations, and the amount of awarded compensations (e.g. Courts of general jurisdiction awarded in some cases relatively higher amounts of damages to the plaintiffs due to the specific facts and circumstances of those cases).

Q160 (General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality. The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.

Q161 (2022): 87% of procedures initiated during 2022 were resolved in the reference year.

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 9% procedures.

Q161 (2021): 96% of procedures initiated during 2021 were resolved in the reference year.

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.

Q161 (2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same year.

Q162 (General Comment): In December 2021, however, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the guidelines requiring the chief prosecutors in the country to prescribe internal procedure for issuing specific instructions. The guidelines read as follows: The chief prosecutor gives mandatory individual instructions for taking procedural and substantive prosecutorial decisions in accordance with the law. The instructions must be issued in writing and entered in the case file. The prosecutor is obliged to act in accordance with the individual instructions given by the chief prosecutor unless following such instructions would mean a violation of the law. If the prosecutor disagrees with the individual instructions, he will submit his dissenting opinion to the chief prosecutor. The chief prosecutor, after obtaining the opinion of the collegiate of the prosecutor's office, makes an elaborate decision in relation to the prosecutor's dissenting opinion. The chief prosecutors issued specific instructions to public prosecutors to make a certain decision (i.e. to investigate or not, to prosecute or not) or take a certain action in a total of 80 cases in 2022, following the general guidelines that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted requiring the chief prosecutors to prescribe internal procedure for issuing specific instructions.

Q162 (2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offence 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 to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. Senior public prosecutor shall have the right and duty to give mandatory instructions to the junior public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of junior public prosecutor; authorize a different junior public prosecutor to process individual cases that are within the competence of the junior public prosecutor; authorize a junior public prosecutor to perform individual activities that are within the competence of another junior public prosecutor.

Q162-0 (General Comment): The judicial system in Bosnia and Herzegovina is consisted of both courts and prosecutor's offices, as mutually independent institutions in performing their powers. The law establishes prosecutor's offices and courts as autonomous institutions. Judges and prosecutors are considered to be judicial office holders. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina— an institution with mixed composition- appoints judges and prosecutors; it has identical competences over issues regarding both judges and prosecutors/courts and prosecutor's offices. The same legislation regulates salaries of public prosecutors and judges. Prosecutor's offices have their own respective budgets, adopted by parliaments in the procedure applicable to all other public institutions. Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions.

The basic right and the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has have the following rights and duties: a) as soon as the prosecutor 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; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the 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 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 appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programmes of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such

Q162-1 (General Comment): Please see the general comments provided in relation to Q 162.

Q162-1 (2022): Please see the comments in the general comments section (Q162).

Q162-1 (2021): Please see the comments in the general comments (Q162-0).

Q162-1 (2020): Please see details in the section with comments.

Q162-2 (General Comment): The instructions are issued in writing. Exceptionally, in emergency situations, instructions can be issued in oral form. The prosecutor may subsequently request that written instructions be issued.

Q162-2 (2022): Please see the general comments provided in relation to Q 162.

Q162-2-0 (General Comment): Please see the general comments provided in relation to Q 162.

Q162-3 (General Comment): Please see the general comments provided in relation to Q 162.

Q162-3 (2022): Please see the general comments provided in relation to Q 162.

Q162-4 (2022): Please see the general comments provided in relation to Q 162.

Q162-4-1 (2022): Please see the general comments provided in relation to Q 162.

Q162-5 (General Comment): Please see the general comments provided in relation to Q 162.

Q164 (General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,

b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).

c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).

d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

Q164 (2019): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

- a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
- b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
- c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
- d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

Q166 (General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

Q166 (2019): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

Q171 (2022): ODC was informed about three investigations initiated against two judges and one prosecutor. ODC wasn't informed about end of the investigations. One judge was sentenced to one-year prison sentence for corruptive criminal offence, in proceeding initiated last year.

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.

Q171 (2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous years.

Q172-0 (General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. The 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 indictment is filed, it shall be decided by the prosecutor. In a situation where the judge to whom a case is assigned must be disqualified or recused from the case, the case will be reassigned to another judge. The same rule applies to prosecutors.

Case reassignment is governed by the books of rules on the case management systems in courts and prosecutor's offices (the Book of Rules on CMS and the Book of Rules on TCMS).

The case is reassigned to another judge by the Court President or a person authorised by him, who must state the grounds for reassignment.

The case is reassigned to another prosecutor by the Chief Prosecutor, who must state the grounds for reassignment.

Q173 (2022): The ethical codices are updated on average every two to three years, as a result of monitoring their compliance and ethical practices, and the need for further improvement.

Q177 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Q177 (2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Q178 (2022): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

Q178 (2020): The Committee usually meets once per month.

Q178 (2019): The Committee usually meets once per month.

Q178-1 (2022): Judges' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.

Q180 (General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Q180 (2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Q181 (2022): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

Q181 (2020): The Committee usually meets once per month.

Q181 (2019): The Committee usually meets once per month.

Q181-1 (2022): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.

Q182 (General Comment): In accordance with Article 17, item 27 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties are prescribed as criminal offenses.

CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): "An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. "

Accepting Gifts and Other Forms of Benefits Article 217 (1) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished. by imprisonment for a term between one and ten years. (2) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform

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Q184 (General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the 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 of the court president. The law stipulates shorter deadlines for priority cases, so these cases have to be allocated to judges urgently and judges have to start working on them immediately. It is possible to exclude a judge from the allocation for various reasons. Judge can be temporarily excluded due to illness, vacation, longer absence, over load with cases etc.

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Q185-1 (2022): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.

As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge. In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2022 (i.e. 475 394), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

Q186 (General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.

Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Q186 (2019): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment. Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Q187 (General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from. Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd). Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Q187 (2019): Regarding allocation of cases (assignment):

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Q190 (General Comment): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form.

Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

Q190 (2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

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Q190 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Q192 (2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation for amending the answer to question 190.

Q192 (2019): Please consult the comments made for Q190.

Q193 (2020): The answer to this question has been amended in relation to 2019, according to the explanation for amending the answer to question 190.

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.

Q195 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q195 (2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q195 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q200 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q200 (2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q201 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 58 (List of Measures)

(1) The Council may impose one or more of the following disciplinary measures:

(a) A written warning which shall not be made public;

(b) Public reprimand;

(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d) Temporary or permanent reassignment to another court or prosecutor's office;

(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judge or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

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Q202 (2022): The cases are pending.

Q202 (2020): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q202 (2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q203 (General Comment): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form. Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

Q203 (2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

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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.

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Q203 (2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Q205 (2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation for amending the answer to question 203.

Q205 (2019): Please consult the comments made for Q203

Q206 (2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to the explanation for amending the answer to question 203.

Q208 (General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q208 (2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q208 (2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Q213 (General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q213 (2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Q214 (General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina 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 Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Q214 (2019): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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 Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

Q215 (2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Q217 (General Comment): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.

2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.

2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.

Regulation on receiving gifts:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by 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 benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a judge with other functions/professional activities:

THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

Article 82

(General Prohibition against Incompatible Functions)

(1) A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial

Q217 (2019): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

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Q219 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q221 (2022): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue. A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q222 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

- (1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
- (a) The number and severity of the disciplinary offence committed and its consequences;
 - (b) The degree of responsibility;
 - (c) The circumstances under which the disciplinary offence was committed;
 - (d) The previous work and behaviour of the offender; and
 - (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q223 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
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- (3) The Council may take into account any prior suspension, imposed in the course of the proceedings in question, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q224 (General Comment): Judges were held liable for disciplinary offence “not disqualifying himself or herself from hearing a case when a conflict of interest exists”. In one case because of a failure to disqualify when related to the party in the proceeding, and in another for a failure to disqualify when deciding upon employment of relatives.

Q224 (2019): The numbers included in the table refer to disciplinary procedures initiated against judges in the reference year.

Q226 (General Comment): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.

2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.

2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.

Regulation on receiving gifts: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the 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 prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.

4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 82

General Prohibition against Incompatible Functions

Q226 (2019): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

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4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 82

General Prohibition against Incompatible Functions

Q228 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q230 (General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue. A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Q231 (General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

- (1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:
 - (a) The number and severity of the disciplinary offence committed and its consequences;
 - (b) The degree of responsibility;
 - (c) The circumstances under which the disciplinary offence was committed;
 - (d) The previous work and behaviour of the offender; and
 - (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q231 (2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

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- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
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- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

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(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
 - (b) The degree of responsibility;
 - (c) The circumstances under which the disciplinary offence was committed;
 - (d) The previous work and behaviour of the offender; and
 - (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Q233 (General Comment): One of the chief prosecutors was held liable for disciplinary offences "behaviour inside or outside the court or office that demeans the dignity of the public prosecutor" and "any other behaviour that represents a serious breach of official duties or that compromises the public confidence in the impartiality or credibility of the public prosecutor", for leasing the flat for office to defence attorneys representing the clients prosecuted by his Prosecutor's Office.

Q233 (2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors in the reference year.

Q234 (General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.

The latter receives and reviews complaints concerning the conduct of judges or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.

If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q234 (2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.

If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC by filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused judge a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q235 (General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. 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 completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detention, until pre-trial detention ends.

Q235 (2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC).

The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detention, until pre-trial detention ends.

Q236 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) ~~the~~ 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~~ 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~~ the right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) ~~the~~ the right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) ~~the~~ the right to appeal adverse decisions.

Q236 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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- (e) ~~the~~ the right to appeal adverse decisions.

Q237 (General Comment): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q237 (2022): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q237 (2021): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q237 (2020): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

Number of initiated cases is significantly lesser in 2020 than in the previous report (35). It should be noted 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).

Q237 (2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating disciplinary proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

It should be noted that number of initiated proceedings is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), because of the high number of grounded complaints as well as an increase in number of the Office of Disciplinary Counsel staff.

Q239 (2022): A significant difference between the number of disciplinary proceedings initiated (35) and the total number of sanctions imposed (23) was caused by the following circumstances: the disciplinary action was rejected in (3) cases and disciplinary proceedings were suspended in (9) cases (4 judges retired, 3 judges resigned, 1 judge died, and 1 judge's term expired).

Q239 (2020): "Other" measure - written warning which shall not be made public - was imposed against 4 judges; this is a non-public measure.

Although there were no suspensions imposed in 2020 as a disciplinary sanction, it should be noted that 2 judges were temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. In addition, 2 judges remain suspended as a result of criminal proceedings initiated before 2020.

Q239 (2019): As "other" measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure.

Number of imposed sanctions (25) is lesser than the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019.

Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. Also, 3 judges remain suspended as a result of criminal proceedings initiated before 2019.

Q241 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (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 Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

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Q242 (2019): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the receiving court, or in the event that no other judge has consented to such an assignment. A judge may not be temporarily assigned to another court without his or her consent if he or she has been the subject of a temporary assignment in the preceding 12 months.

Q243 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.

The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances. If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor.

If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q243 (2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). 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.

If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Q244 (General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detention, until pre-trial detention ends.

Q244 (2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detention, until pre-trial detention ends.

Q245 (General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) The right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) The right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) The right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) The right to appeal adverse decisions.

Q245 (2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

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- (c) The right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) The right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) The right to appeal adverse decisions.

Q246 (General Comment): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q246 (2022): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

Q246 (2021): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

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 the Office of Disciplinary Counsel at HJPC.

Q246 (2020): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor's office.

Number of initiated cases is significantly lesser in 2020 than in the previous report (11). It should be noted 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).

Q246 (2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor’s office.

It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Q247 (2020): Number of completed cases is significantly lesser in 2020 then in the previous report (13). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of received complaints compared to prior year (15% for both judges and prosecutors).

Q248 (2022): There was a difference between the number of disciplinary proceedings (13) and the number of penalties (10). This difference occurred because a disciplinary lawsuit was rejected in (3) cases.

Q248 (2020): Number of sanctions pronounced is significantly lesser in 2020 then in the previous report (12). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of received complaints compared to prior year (15% for both judges and prosecutors).

In 2020 only one sanction was pronounced against a prosecutor for the following reasons: out of 5 completed cases, 3 cases were dismissed and in one case a prosecutor died during the proceedings.

Although no suspension was imposed as disciplinary sanction in 2020, it should be noted that 4 prosecutors remain suspended as a result of criminal proceedings initiated against them before 2020.

Q248 (2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.

The number of completed cases (13) is higher then the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.

Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating form criminal proceedings initiated against them before 2019.

It should be noted that number of initiated proceedings and the number of sanctions pronounced against prosecutors is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Q251 (General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

Q251 (2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

Montenegro

Q156 (2022): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 113 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 59 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 52 200 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 applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant. Wrongful arrest/detention: Data available from the Ministry of Justice. Data for settlements concluded in 2022.

Q156 (2021): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 149 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, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.

Q156 (2020): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 62 cases in work, upon claims for fair satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 22 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 38 100 EUR.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

(2) A convicted person i.e. an acquitted person, is not entitled to compensation of damages if he caused the criminal proceedings through a false confession in the investigatory procedure or otherwise, or caused his conviction through such statements during the proceedings, unless he was forced to do so.

(3) In the case of conviction for offences committed in concurrence, the right to compensation of damages may also relate to respective criminal offences in regard to which the conditions for approving compensation are met."

In accordance with art. 499 par. 2 of the Criminal Procedure Code, "Before bringing a compensation claim to the court, the injured party shall submit his/her request to the ministry competent for the affairs of the judiciary in order to reach a settlement on the existence of damage and the type and amount of compensation."

"Court concerned" is referred to as the Court before which the violation of the right to a trial within 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).

Q156 (2019): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 78 cases in work, upon actions for fair redress. Based on the adopted actions for compensation of non-pecuniary damage, due to the violation of the right to a trial within a reasonable time, a total of EUR 50.000 was awarded.

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In 2019. the Ministry of Justice has, on the basis of 6 complete settlements on the existence of the damage, type and the amount of the compensation due to the unlawful deprivation of liberty, payed the amount of 5.238,00 €. Total number of filed requests was 50.

Ministry of Justice has several criteria on the basis of which the amount is being determined of the compensation for the damage due to the unlawful deprivation of liberty which is being offered for reaching the agreement - prior convictions, absolute statute of limitations on prosecution or the conviction is rejected due to the dismissal of the State prosecutor from further criminal prosecution, funds of the Ministry of Justice allocated by the Budget for this item, and especially, court practice is being monitored in the cases of this type, and in that terms the offer for reaching the agreement is being defined.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

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(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."

In accordance with art. 499 par. 2 of the Criminal Procedure Code, "Before bringing a compensation claim to the court, the injured party shall submit his/her request to the ministry competent for the affairs of the judiciary in order to reach a settlement on the existence of damage and the type and amount of compensation."

Q156-1 (General Comment): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legally binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

Q156-1 (2022): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legally binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

Q160 (2022): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

Q160 (2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure Code).

Q161 (General Comment): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

Q161 (2021): The procedure is prescribed by the Law on Civil Proceedings and the Criminal Procedure Code. If a 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 were resolved, and 28 remained unresolved.

Q161 (2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which 1860 cases were resolved, and 12 remained unresolved.

Q161 (2019): In the period 01.01.2019.-31.12.2019., courts had in total 1833 cases on exemption, out of which 1822 cases were resolved, and 11 remained unresolved. 1285 requests were adopted. Judges filed 1435 requests for exemption, and others 387.

Q162-0 (General Comment): Constitution of Montenegro

STATE PROSECUTION

Status and responsibility

Article 134

The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

Q162-0 (2021): Constitution of Montenegro

STATE PROSECUTION

Status and responsibility

Article 134

The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

Q162-2 (General Comment): The Prosecution Service is, per se, a hierarchical organization and instructions are defined by the Law on State Prosecution Service. Instructions can be oral and written, and there is a procedure to be objected by the prosecutor if deemed unlawful or unfounded.

According to Article 132, § 1, of the Law on the State Prosecution Service: "Instructions for proceedings in an individual case shall be issued in written form and with the explanation. Exceptionally, when the circumstances do not allow for that, the instruction may be issued in an oral form, but it shall also be issued in written form within the appropriate time-frame".

According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

Q162-2 (2022): see general comment also

Q162-2-0 (General Comment): Law on State Prosecution Service, Articles 131 and 132.

Q162-4-1 (2022): One general instruction was issued to all state prosecutor's offices.

Two individual instructions were issued to state prosecutors for prosecution.

Q162-5 (General Comment): According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

Q164 (2021): Law on the judicial Council and Judges

Q164 (2020): Law on the judicial Council and Judges

Q164 (2019): Law on the Judicial Council and Judges

Q171 (2019): In 2019, there were no criminal proceedings against state prosecutors. One criminal proceeding was initiated in 2018, when Prosecutorial council brought a decision of temporary removal from duty of the state prosecutor by the time of conclusion of the criminal proceeding.

Q172-0 (2022): Integrity plans;

Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.

Prevention of conflict of interest in the exercise of public functions

Article 7

A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.

The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.

The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.

Opinions about the existence of 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 this 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 property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.

It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Q173 (2022): periodically

Q177 (General Comment): X By judges and other legal professionals

X Other, please specify:

Twofold:

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by 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 body, established by the Parliament of Montenegro, in accordance with the present Law."

Q177 (2020): By judges and other legal professionals

Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

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✓ Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

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Q178 (General Comment): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

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.

Q178 (2022): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are four 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.

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√ Not public opinions

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.

Q178-1 (2022): At the Commission session, held on June 17 2022. the Guideline on freedom of expression of judges were adopted , and it was published on the Council's web portal: https://sudovi.me/static//sdsv/doc/Smjernice_sloboda_izrazavanja.pdf

Q180 (General Comment): The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private 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 body, established by the Parliament of Montenegro, in accordance with the present Law."

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The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors.

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"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 body, established by the Parliament of Montenegro, in accordance with the present Law."

Q181 (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.

The Commission for the Code of Ethics of prosecutors may give the opinion whether a certain behaviour of prosecutor is in line with the Code of Ethics

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.

Q181 (2019): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

Q181-1 (2022): 8 cases regarding the determination of the violation of the Code of Ethics of the state prosecutors are in progress

Q182 (General Comment): The Judicial Council inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute. Whistleblowers

Art. 44

A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.

Person or Entrepreneur

Art. 45

Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.

Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

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. Whistleblowers may also submit the application on threats to the public interest that indicate the existence of corruption to the Agency without prior submission to an authority, company, other legal person or entrepreneur to which the application relates. The application referred to in para 1 and shall, in addition to the data referred to in Art. 46 of the present Law, contain information about the authority, company, other legal person or entrepreneur to whom the application relates and a notification on the taken measures referred to in Art. 50, if the notification was delivered to the whistleblower.

The Rules of Procedure of the Prosecutorial Council regulate the procedure for reporting and submitting complaints by prosecutors for jeopardizing their autonomy. These complaints are dealt by the commission formed by Prosecutorial Council on the proposal of the President of the Prosecutorial Council. On the basis of the report by subject commission, the Prosecutorial Council shall decide on complaints. If the complaint is considered with grounds, the Prosecutorial Council shall conduct measures to protect the prosecutor which autonomy is jeopardized.

Q182 (2022): explanation in section general comments

Q182 (2019): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

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Q186 (General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

Article 61

Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the President of the court alone or at the proposal of the President of the Division or a judge. The President of 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 he submits to the administrator of the judicial information system and attaches it to the court work plan.

Q186 (2019): Articles 60 and 61 of the Court Rule of Procedure:

Article 60

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Q187 (2020): Random allocation of cases from Judicial Information System (PRIS).

Q187 (2019): Random allocation of cases from Judicial Information System (PRIS).

Q188 (General Comment): LAW ON COURTS

(“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 more than three months.

Cases whose urgent nature is prescribed by law may be taken away from a judge if the judge is not able to act in these cases in a timely manner or within the statutory period due to absence or incapacity for work.

The cases shall be taken away by the court president, through a decision.

The decision on taking a case away shall be submitted to the judge or the panel from which the case was taken away.

An objection may be lodged to the president of immediately higher court against the decision on taking the case away, as well as to the

Q188 (2019): LAW ON COURTS

("Official Gazette of MNE", no. 11/2015)

Amending Annual Work Distribution

Article 32

The court president may amend the annual work distribution of the court, if:

- 1) The number of positions for judges or the number of judges decreases or increases; or
- 2) The number or type of cases in court significantly increases or decreases.

The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.

The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law.

Submission and Publication of Annual Work Distribution

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 more than three months.

Q190 (General Comment): Law on prevention of corruption

Q190 (2021): Special Law - Law on prevention of corruption

Q192 (2022): <https://www.antikorupcija.me/me/korisnicki-servisi/>

Q193 (General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;

- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities

(motor vehicles, vessels, aircrafts, etc.);

- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;

- Deposits in banks and other financial institutions in the country and abroad;

- Stocks and shares in a legal person or other securities;

- Cash in the amount exceeding € 5,000;

- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;

- Debt (principal, interest and repayment) and receivables;

- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;

- Membership in the management bodies and supervisory boards of public companies, public institutions and 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website."

Q193 (2019): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website."

Q194 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q194 (2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q195 (General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household.

Q195 (2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Q198 (2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the web page of the Agency for Prevention of Corruption.

Q200 (General Comment): www.antikorupcija.me

Q200 (2022): <https://www.antikorupcija.me/me/registri/>

Q200 (2019): www.antikorupcija.me

Q201 (General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts.

Q201 (2022): Other disciplinary sanction: The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount of 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

Q201 (2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Q202 (2022): Misdemeanour proceedings:

During the reporting period, 4 misdemeanor proceedings were initiated against former judges for failing to submit assets declaration 30 days after termination of office and one year after termination of office, and 3 proceedings for failing to submit regular annual asset declaration. 2 were completed, others are ongoing. The outcome of these misdemeanour proceedings was 2 warnings.

Administrative proceedings:

In the reporting period, administrative proceedings were initiated against 2 judges related to the submission of reports with incorrect and incomplete data in 2021.

Data on administrative procedures initiated due to the submission of reports with incorrect and incomplete data in 2022 will be known by the first quarter of 2023.

In 2022, decisions were made that 70 judges (69 from 2021 and 1 from 2022) did not submit accurate and complete data in the regular annual report for 2020.

Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

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

Q202 (2020): Number of cases initiated:

9 administrative procedures initiated (1 out of 9 initiated in 2019)

5 misdemeanour proceedings initiated

Number of cases completed:

8 administrative procedures completed 5 misdemeanour proceedings completed Number of sanctions pronounced:

In 2 administrative procedures against judges, violation of the law has been established – APC's Decisions forwarded to the authority which appoints the judges – pending feedback on the disciplinary measures imposed by the authority 5 misdemeanours proceedings ended in 4 reprimands and 1 fine

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 Court.

Q202 (2019): Source: Agency for Prevention of Corruption

Q203 (General Comment): Law on prevention of corruption

Q203 (2021): Law on prevention of corruption

Q205 (2022): <https://www.antikorupcija.me/me/korisnicki-servisi/>

Q206 (General Comment): Data Reported

Art. 24

The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
- Deposits in banks and other financial institutions in the country and abroad;
- Stocks and shares in a legal person or other securities;
- Cash in the amount exceeding € 5,000;
- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
- Debt (principal, interest and repayment) and receivables;
- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
- Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website. Submission of Reports

Art. 25 A public official shall submit the Report to the Agency electronically, and in writing.

Q206 (2019): See Article 24 of the Law on prevention of corruption: "Art. 24

The Report shall contain:

- 1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.
- 2) Data about the public function exercised;
- 3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
 - Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
 - Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
 - Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
 - Deposits in banks and other financial institutions in the country and abroad;
 - Stocks and shares in a legal person or other securities;
 - Cash in the amount exceeding € 5,000;
 - Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
 - Debt (principal, interest and repayment) and receivables;
 - Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
 - Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website."

Q207 (General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q207 (2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

Q208 (General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household

Q208 (2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Q211 (2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the official web page of the Agency for Prevention of Corruption.

Q213 (General Comment): www.antikorupcija.me

Q213 (2022): <https://www.antikorupcija.me/me/registri/>

Q213 (2021): <https://www.antikorupcija.me/me/registri/>

Q213 (2019): www.antikorupcija.me

Q214 (General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts. Other disciplinary sanction: sanctions are those that can be imposed for heavy disciplinary offence: fine in amount of 20-40 percent of monthly income for the period of 3 to 6 months or prohibition of promotion.

Q214 (2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Q215 (2022): Misdemeanour proceedings. In the reporting period, 2 misdemeanor proceedings were initiated against former prosecutors due to failure to submit asset declarations 30 days after termination of public office. 1 was completed, other is ongoing. The outcome of these proceedings was 1 fine in the amount of 300 euros

Administrative proceedings:

Also, in the reporting period, proceedings were initiated against 35 prosecutors related to the submission of reports with incorrect and incomplete data in 2021. Data on administrative proceedings initiated due to the submission of asset declarations with incorrect and incomplete data in 2022 will be known by the first quarter of 2022;

Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

Q215 (2021): The number on proceedings related to prosecutors is not final, since the verification process for the 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 groups.

Q215 (2020): Number of cases initiated

4 administrative procedures initiated and 2 misdemeanour proceedings initiated Number of cases completed

4 administrative procedures completed 2 misdemeanour proceedings completed Number of sanctions pronounced

In 1 administrative procedure the violation of the law has been established – the APC's Decision was forwarded to the Prosecutorial Council which initiated disciplinary procedure against the prosecutor, the procedure is still ongoing.

2 misdemeanour proceedings against prosecutors ended in 1 reprimand and 1 fine

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.

Q215 (2019): Source: Agency for Prevention of Corruption

Q217 (2019): Regarding regulation on receiving a gift - Code of Ethics for judges

Judge must not allow that the members of his family hired in court or any other person submitted to the authority of judicial competence accepts the gift, loan or a favor for what the judge in performing his duty would be obliged to do or did.

In case that a gift, favor or other benefit was made in contrary to his will, judge will right upon the acknowledgement about it, inform in the written form, stating the circumstances in which gift or benefit was made, the president of the court or the state prosecutor if by such action elements of the criminal offence were made. The judges will do the same way in case there is an attempt to give a gift or do a favor.

Q218 (2019): According to the Constitution of Montenegro, a judge cannot perform a post or other public function or professionally perform any other activity. At the request of a court president or judge, the Judicial Council gives an opinion on whether certain activities shall be considered as a professional performance of an activity incompatible with the performance of a judicial function. The judge who performs scientific, educational and artistic activities as well as activities protected by copyright shall not be deemed to professionally perform other activity within the meaning of the Constitution.

Q220 (2022): Law on Judicial Council and judges

Opinion on other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution

Q220 (2019): Law on Judicial Council and judges

Opinion on other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution.

Q222 (2019): V “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.

Q223 (General Comment): see provisions of the Law on Prevention of Corruption in related sections

Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law.

Law on Misdemeanors regulates misdemeanor proceedings in general, which also applies when the proceedings initiated for the breach of Law on Prevention of Corruption

Q223 (2022): see provisions of the Law on Prevention of Corruption in related sections

Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law

Q223 (2019): √ “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.

Q224 (2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.

In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

In the remaining two cases, the procedure is ongoing.

Q224 (2020): The difference in figures between 2019 and 2020 (increase of number of procedures initiated) is due to the fact that in 2020 the State Audit Institution (SAI) submitted a request (which refers to 28 persons) referred to the representatives of the judiciary regarding the negative opinion in the analysis of the work of the Judicial Council for 2019, which was published by the State Audit Institution. By implementing the legal competencies prescribed by the provisions of the LPC, the Agency performed a comparative analysis of the data, i.e. detailed verification of data and incomes for 28 persons for whom the SAI indicated that their actions could violate the provisions of the law in terms of obtaining compensation for work in commissions and councils formed by the Judicial Council. The Agency acted on the request and made decisions as stated.

Q224 (2019): Source: Agency for Prevention of Corruption

Note: There have been two cases initiated in Montenegro and completed by the Agency for Prevention of Corruption but currently under appeal in front of the Administrative Court. Considering that only final decisions are counted as completed we have indicated 0 under completed cases, as these two cases are still pending before the Administrative Court.

Q226 (2022): Law on Prevention of Corruption

Law on State Prosecution Service

Code of Ethics

Q227 (General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

The work of lecturers as well as the work of researchers and the publication of scientific papers are not in conflict with the performance of the prosecutorial function.

Q227 (2019): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

Q231 (General Comment): “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.

Q231 (2022): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.

The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"

Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

Q231 (2019): v "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

Q232 (General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

Q232 (2022): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.

The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"

Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

Q232 (2019): v "law on the prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

Q233 (2019): Source: Agency for Prevention of Corruption

Q234 (General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behavior of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.

Q234 (2019): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges ("Official Gazette of MNE", No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behaviour of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.

Q235 (General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are not members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against judges and court president in 2017.

Q235 (2022): Disciplinary Council. Established by the Judicial Council.

Q237 (2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.

In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

In the remaining two cases, the procedure is ongoing.

Q237 (2021): Does not submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest.

Q237 (2020): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three cases;

Q237 (2019): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three cases;

Q239 (2022): info as in section 237: 35 rejected, 2 are still ongoing

Q243 (General Comment): Article 110 par. 1 of the Law on State Prosecution Service 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 Monitoring the Application of the Code of Prosecutorial Ethics.

Q243 (2019): Article 110 par. 1 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice and Commission for Monitoring the Application of the Code of Prosecutorial Ethics.

Q244 (General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service. "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 before Prosecutorial Council upon the motion to indict of the Disciplinary Plaintiff."

Q244 (2019): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018):

"The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary Panel upon the motion to indict issued by the disciplinary plaintiff.

Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel.

Supreme State Prosecutor may not be a member of the Disciplinary Panel.

Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the Prosecutorial Council President.

The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted before Prosecutorial Council upon the motion to indict of the Disciplinary Plaintiff."

Q246 (2020): Failure to submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest, referred to in Article 108, paragraph 2, item 8 of the Law on the State Prosecutor's Office.

Q246 (2019): During 2019, there were no disciplinary proceedings initiated.

Q247 (2021): Od 5 etičkih postupaka u 2 etička postupka je utvrđena povreda Etičkog kodeksa, dok u ostala 3 nije utvrđena povreda.

Q247 (2019): Severe disciplinary offence - failing to submit data on property and incomes in accordance with the legislation regulating prevention of conflict of interests, from art. 108 par. 2 point 8 of the Law on State Prosecution Service.

North Macedonia

Q156 (General Comment): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

The procedure for compensation of damage is acting by the court and the amounts depends from case to case. The amounts are related with the case and the taken actions in that case (days in wrongful arrest, wrongful conviction, lost profit, costs, rate of interest etc.)

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Q160 (General Comment): Criminal Procedure Law 5. Exclusion

Article 33

Reasons for exclusion

(1) A judge or a lay judge must not exercise his or her judicial obligations:

1) if he or she has suffered any damage as a result of the crime;

2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in-law to the second degree;

3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;

4) if, in the same criminal case he or she participated as a judge of the preliminary procedure, participated in the examination of the indictment before the main trial or participated in the procedure as a plaintiff, defense counsel, legal counsel or authorized representative for the injured party, i.e. the plaintiff, or was examined in the capacity of a witness or as an expert witness;

5) if, in the same case, he or she participated in the decision making process of the lower court, or if, in the same court, he or she participated in the bringing of the decision that is annulled with the appeal;

(2) Apart from the situations as referred to in paragraph 1 of this Article, a judge or a lay judge may also be excluded from performing his or her judicial obligations if there are any circumstances that would cause any doubts regarding his or her impartiality. Article 34

Exclusion procedure

As soon as he or she establishes the existence of any of the reasons for exclusion as referred to in Article 33, paragraph 1 of this Law, the judge or lay judge shall be obliged to stop working on that case and inform the President of the Court thereby, who shall appoint a substitute judge. If the exclusion is for the President of the Court, he or she shall appoint his or her own substitute judge amongst the judges from the same court, and if that is not possible, he shall ask the President of the immediate higher court to appoint the substitute.

Article 35

Exclusion upon request by the parties

(1) The parties may also ask for exclusion.

(2) The parties may submit a motion for exclusion prior to the beginning of the main hearing and if they have found out the reasons for the exclusion as referred to in paragraph 1 of Article 33 later, they shall submit the exclusion motion immediately after they have been informed about them.

(3) The party may include the exclusion motion for a judge of the higher instance court in the appeal or in the response to the appeal.

Q161 (2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were 2614 decisions for exemptions of judges.

Q161 (2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were 2277 decisions for exemptions of judges.

Q161 (2019): In 2019 there were 2726 requests for exemption of judges while in the same year there were 2574 decisions for exemptions of judges.

Q162 (General Comment): The guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Q162 (2019): These guarantees are contained in the Law on Public Prosecution office and the Law on Criminal Procedure.

Q162-0 (General Comment): The guarantees are part of the Constitution and the Law on Public Prosecution office.

Constitution of Republic of North Macedonia

Article 106

Public Prosecution Office

The Public Prosecution Office is a single and autonomous state body prosecuting persons that have committed crimes and other punishable acts determined by a law and performs other activities determined by a law.

The Public Prosecution Office performs its duties on the basis of the Constitution and the laws and the international agreements ratified in accordance with the Constitution.

The function of the Public Prosecution Office is performed by the public prosecutor of the Republic of North Macedonia and by the public prosecutors.

The competences, establishment, termination, organization and operation of the Public Prosecution Office is regulated by a law adopted by a two thirds majority vote of the total number of representatives.

The public prosecutor of the Republic of North Macedonia is appointed and dismissed by the Assembly of the Republic of North Macedonia for a term of six years with the right to reelection.

The public prosecutors are elected by the Council of Public Prosecutors without limitation of the duration of the term of office.

Law on Public Prosecution office (2020)

Article 2

The public prosecutor's office shall be the sole independent state body prosecuting perpetrators of criminal offences and other acts punishable by law, and performs other duties as stipulated by law.

Article 3

The public prosecutor's office shall be organized according to the principles of hierarchy and subordination.

The public prosecutor's office shall be an independent state body.

The observance of the principles referred to in paragraph (1) of this Article shall not jeopardize the independence and responsibility of each public prosecutor in the performance of their function.

Article 6

The public prosecutorial office is incompatible with the performance of any other public office or profession, except in cases determined by law or in case of membership of a political party or participation in the activities of a political party.

Q162-1 (General Comment): According to the article 56 of Law on Public Prosecution office, only reasoned compulsory general written instructions, which 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.

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.

For example, only general written instructions for all prosecutors about the expenses in the criminal procedure or general written instructions for on-call shifts of public prosecutors.

Q162-1 (2021): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Q162-1 (2020): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

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(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.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Q164 (General Comment): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

Q164 (2022): Guarantees of the independence of judges are regulated in the Constitution and the Law on courts.

Q164 (2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

Q164 (2019): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

Q166 (General Comment): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Q166 (2022): Guarantees of the independence of prosecutors are regulated in the Constitution and the Law on Public Prosecution office.

Q166 (2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Q166 (2019): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Q171 (2019): In 2019, criminal cases were initiated against 15 judges and 4 public prosecutors. From this for 1 judge was submitted indictment and the criminal procedure for this judge is ongoing. For 5 judges a decision for decline of submitted criminal charge has been brought by the Public Prosecution office and they are closed. For the others the procedure is ongoing in the prosecution office and there is still not a decision for them.

From the prosecutors, for one prosecutor indictment was submitted and the procedure in front of the court is ongoing. For the other 3 cases, the procedure is ongoing in the prosecution office and there is still not a decision for them.

Q173 (General Comment): New Code of Ethics for judges and lay judges was adopted in September 2019.

Q173-1 (General Comment): INDEPENDENCE

Principle:

The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.

IMPARTIALITY

Principle:

The judge / lay judge is obliged to perform the trial function impartially, both in decision-making and in conducting procedures.

INTEGRITY

Principle:

Integrity is an attribute of honesty and justice. The judge or lay judge always acts honestly and not only in the performance of official duties, but also in a way that is beneficial for the proper performance of the judicial function.

DIGNITY

Principle:

Decent and appropriate behavior of the judge jurors are essential for the performance of all activities of the judicial office.

EXTRAJUDICIAL ACTIVITY

Provided that they perform their judicial duties properly, and in cases when requested, and with the consent of a body determined by law, the lay judge / judge may:

- to write, teach, teach and participate in activities related to the law, the legal system, the administration of justice and similar matters;

CONFLICT OF INTERESTS

Judge / The lay judge must not perform any public or private, paid or unpaid duties, which are contrary to the function of a judge or a lay judge.

- to appear at a public hearing before an official body regarding matters related to law, the legal system, the administration of justice and similar matters;

- to be a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with impartiality and political neutrality;

- or to engage in other activities if such activities do not adversely affect the dignity and dignity of the judicial office, ie if they do not interfere with the performance of judicial duties;

- the judge / lay judge must not engage in providing legal aid while performing the judicial function;

EQUALITY

Principle:

Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.

INFORMATION DISCLOSURE

Q173-1 (2021): INDEPENDENCE

Principle:

The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.

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EQUALITY

Principle:

Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.

INFORMATION DISCLOSURE

Q175 (General Comment): Last amendments on the Ethical code of public prosecutors are from 2019.

Q175 (2019): <http://jorm.gov.mk/izmenuvane-i-dopolnuvane-na-etichkiot-kodeks-na-javnite-obviniteli/>

Q175-1 (General Comment): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:

- independence;
- impartiality;
- integrity;
- prevention of conflict of interests;
- efficiency and professional action;
- professionalism;
- dignity and
- restraint

Public prosecutors are obliged to ensure confidence in the independence of their work, and in particular:

- in performing their function to be independent in relation to the legislative and executive power, the mass media, citizens' associations, public figures and other persons and to perform their a function independent of any external influence, restriction, persuasion, pressure or threat in accordance with its own assessment of the evidence and interpretation of legal norms;
- in the performance of their function to refrain from any expression of political views and public appearances of a political nature, except in cases of participation in public hearings that directly relate to the work of the Public Prosecutor's Office, to refrain from the presence of political rallies or by participating in political activities or campaigns expressed in any way;

Q175-1 (2021): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:

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Q177 (2021): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

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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 from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

Q178 (2021): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Q178 (2019): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Q178-1 (2022): Topics of the 3 opinions (2022) of the Advisory Committee on Judicial Ethics are the following one:

1. Membership of the judge in association, available at <https://sudiskaetika.mk/assets/dok/mislenje2.pdf>
2. Cases connected with attorney at law engaged by the judge as attorney-in-fact, available at <https://sudiskaetika.mk/assets/dok/mislenje4.pdf>
3. Right of the judge to participate in sport associations and to be present on the sport matches , available at <https://sudiskaetika.mk/assets/dok/mislenje3.pdf>

Q179 (General Comment): According to the Law “On the governance institutions of the justice system”, the Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Q180 (2021): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

Q180 (2019): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

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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 Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

Q181 (General Comment): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

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 Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

Q181 (2021): <http://zjorm.org.mk/>

Q181 (2019): <http://zjorm.org.mk/>

Q182 (General Comment): Criminal code

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.

(7) If, in the course of committing the crime referred to in paragraph (5), severe 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 five years.

(8) The sentence referred to in paragraph (5) of this Article shall be imposed on an official or responsible person who refuses or postpones without any justification the enforcement of an order or a law-based request by a court, public prosecutor or any other competent body or an attorney for collection, keeping or submission of writs, documents or cases, or with the intent to prevent or hinder the substantiation, he conceals, destroys, falsifies or in any other manner makes unusable the writs, documents or cases which may serve as evidence in a procedure before a court or before any other competent body for conducting a procedure regulated by a law.

Q182 (2019): Criminal code

Obstruction of justice

Article 368-a

(1) Whosoever, with the intent to induce a person who might be called as a witness, a witness or an expert to give a false statement or to prevent or hinder the collection of evidence or the substantiation in the criminal procedure, in a procedure before a court or before any other body which conducts a procedure in accordance with the law, threatens with attack against the life or the body or the property to a greater extent, of a person who might be called as a witness, a witness or an expert or close persons thereto, or by using force, violence, illegal deprivation of freedom, by offering a bribe or in any other manner influences or prevents such person to appear as a person who might be called as a witness, a witness or an expert in the procedure or if he is called as a witness or an expert to give or not to give a statement with a determined meaning, shall be sentenced to imprisonment of one to five years.

(2) The sentence referred to in paragraph (1) of this Article shall be also imposed to whosoever, due to revenge for the given statement of the person referred to in paragraph (1) of this Article, deprives such person of a right, maltreats him or inflicts on him bodily injuries.

(3) If especially severe consequences for the defendant in the criminal procedure have been created due to the crime referred to in paragraphs (1) and (2) of this Article or severe bodily injury has been inflicted on the person referred to in paragraph (1) of this Article or the crime has been committed against a protected or threatened witness or a close person thereto, the offender shall be sentenced to imprisonment of one to ten years.

(4) If the person referred to in paragraph (1) of this Article is deprived of the life by the crime referred to in paragraphs (1) and (2) of this Article, the offender shall be sentenced to imprisonment of at least ten years or life imprisonment.

(5) Whosoever, by using force, serious threat or promise, by offering or giving any material benefit, influences a judge, public prosecutor or any other official or an attorney to take or not to take actions foreseen by law in a procedure before a court or before any other body competent for conducting a procedure regulated by a law contrary to his official or attorney's duty and authorizations, or hinders him in taking such actions, shall be sentenced to imprisonment of one to ten years.

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Q185 (General Comment): Court Rules of procedure

Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this 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.

Q185 (2019): Court Rules of procedure

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Q187 (General Comment): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a 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.

Q187 (2019): Yes, with exception. Please see article 179, p.2

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Q188 (General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

3. Automatic Redistribution of Cases

Article 177

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.

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Article 180

Cases recorded in a register for which only one judge is in charge of shall be allocated to the judge with the recording itself.

According to the Law on courts, president of a court shall be dismissed from the office of a president, if in a procedure, the Judicial Council of the Republic of Macedonia establishes the following bases:

failure to apply the provisions regarding the case management and distribution,

- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

Q188 (2019): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

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failure to apply the provisions regarding the case management and distribution,

- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

Q190 (2022): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)

Q192 (2022): <https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>

<https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>

Q194 (General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.

(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Q195 (General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- 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 prescribed form.

Q195 (2019): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

Q196 (General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.

Q196 (2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Q196 (2019): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Q199 (2022): http://www.dksk.org.mk/imoti_2/

Q200 (General Comment): http://www.dksk.org.mk/imoti_2/

Q200 (2022): http://www.dksk.org.mk/imoti_2/

Q200 (2021): http://www.dksk.org.mk/imoti_2/

Q200 (2019): http://www.dksk.org.mk/imoti_2/

Q201 (General Comment): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

3. Serious disciplinary offence

Article 75

(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

1) 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 the existence of one of the grounds for exemption provided for by law.

Q201 (2019): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

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2) 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 the existence of one of the grounds for exemption provided for by law.

Q202 (2020): According to the Law on fight against corruption and conflict of interests, from a total of 17 cases, in 7 cases the procedure has been completed with issuing on a misdemeanour payment order, which were paid on time. For the other 10 cases, where the misdemeanour payment order was not paid, a misdemeanour procedure will be initiated in front of the misdemeanour commission in SCPC.

Q203 (2022): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)

Q205 (2022): <https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>

<https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf>

Q207 (General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.

(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Q209 (General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.

Q209 (2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Q209 (2019): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Q212 (2022): http://www.dksk.org.mk/imoti_2/

Q213 (General Comment): http://www.dksk.org.mk/imoti_2/

Q213 (2022): http://www.dksk.org.mk/imoti_2/

Q213 (2021): http://www.dksk.org.mk/imoti_2/

Q213 (2019): http://www.dksk.org.mk/imoti_2/

Q214 (General Comment): Article 91 from the new Law on Public Prosecution office prescribed that, non submission on declaration of assets is a serious disciplinary violation.

According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Q214 (2021): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation.

According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Q214 (2020): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

Q215 (2020): In a total of 10 cases SCPC issued a misdemeanour payment orders. Because, they were not paid on time, a misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this cases. The procedure is on going.

Q217 (General Comment): Regulation on reporting a potential conflict of interest

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.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;

Q217 (2019): Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

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- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
 - instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;
- or

Q218 (General Comment): The Law on the courts

Article 52

- (1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.
- (2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
- (3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
- (4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.
- (5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.
- (6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
- (7) The judge cannot be a member or hold a political office within a political party or carry out political or party activity.

Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 “(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law.”

Q218 (2019): The Law on the courts

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Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 “(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law.”

Q222 (General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Q222 (2022): Law on prevention of corruption and conflict of interests.

Q222 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Q222 (2019): 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 interests.

Q223 (2022): Law on prevention of corruption and conflict of interests.

Q223 (2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Q223 (2019): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Q226 (General Comment): Regulation on reporting a potential conflict of interest

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.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;

Q226 (2022): Please, see general comment.

Q226 (2019): Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

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(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
 - instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;
- or

Q227 (General Comment): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Q227 (2020): Law on Public prosecution office (2020)

Article 71

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area. (2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, after a prior accord provided by the Chief Public Prosecutor of the Republic of North Macedonia, and the Chief Public Prosecutor of the Republic of North Macedonia may act so after a prior accord provided by the Council of Public Prosecutors of the Republic of North Macedonia.

Q227 (2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Q229 (2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Q231 (General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q231 (2022): Law on prevention of corruption and conflict of interest

Q231 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q231 (2019): 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 interests.

Q232 (2022): Law on prevention of corruption and conflict of interest.

Q232 (2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q232 (2019): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Q234 (General Comment): Law on Judicial Council (2019)

A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62

(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.

Q234 (2022): Please, see the general comment.

Q235 (General Comment): Law on courts

Dismissal of a judge

Article 74

(1) The judge shall be dismissed from the judicial office: ~~due to~~ 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.

(3) ~~I~~n cases of disciplinary violation of paragraph (1) line 1 of this Article, when there was a final judicial decision, the court that had adopted the decision has to immediately after obtaining decision's effectiveness, to inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.

(4) ~~T~~he procedure for establishing responsibility of judges in the case of paragraph 1 point 1 of this Article, may be initiated even when there is no previously adopted effective judicial decision.

Q235 (2022): Please, see the general comment.

Q237 (General Comment): Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) If publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) If without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) If does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) If takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) If intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is 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:

- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.

In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.

If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from

Q237 (2019): The number of initiated proceedings is higher in 2019, because of changes in the Law on Judicial Council from 2018 and 2019. Namely, according to the new provisions a request for initiation of a procedure for determination of liability of a judge or a president of a court can be filled also and from the court users, which was not a case according to the provisions of the previous law. Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) ~~if~~ in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) ~~if~~ he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) ~~is~~ publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) ~~is~~ without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) ~~is~~ does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) ~~is~~ takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) ~~is~~ intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is from among the members elected by the Assembly of the Republic of North Macedonia. The president of the 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:

- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.

In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven

Q238 (2022): The total number of completed cases in 2022 includes cases that were initiated in 2020, 2021 and 2022.

Q238 (2020): The Commission of the JC (see comment on Q237, explanation about the Commission), rejected 71 requests.

In 2020 JC stopped 9 disciplinary procedures. For one judge the request was withdrawn. 4 judges were dismissed in 2020 and in 1 case there was liability on a judge, who at that time met the conditions for retirement, so the JC determined the termination of the function on that basis. From this 4 decisions for 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.

Q238 (2019): From a total of 107 disciplinary proceedings initiated in 2019, the Commission (see comment on Q237, explanation about the Commission), rejected 58 requests. In 2019 by the Council are rejected 9 requests for disciplinary proceedings initiated in 2019.

4 cases are stopped.

Judicial Council in 2019 dismissed 2 judges from the procedures initiated in 2019. In total by the JC in 2019 were dismissed six (6) judges (4 judges for proceedings initiated in 2017 and above mention 2 judges for proceedings initiated in 2019), but this decisions are not final. They are in appeal procedure in front of the Supreme court.

34 procedures are ongoing.

Q239 (2020): In 2020 five judges were dismissed with a final decision and for one judge JC issued a reprimand.

Q239 (2019): In 2019 one judge has been dismissed with a final decision.

Q240 (General Comment): Yes, according to article 72 (Law on the Judicial Council)

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 but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings. (2) The Council shall inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights. (3) The Council is obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms. (4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation. (5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed

Q240 (2019): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.

The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

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.

An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.

Q241 (General Comment): The Appeal Council in the Supreme Court of the Republic of North Macedonia is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted. 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 the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.

Q241 (2022): Please, see the general comment.

Q242 (General Comment): The law on the Courts

Article 39

(1) The judge shall exercise the judicial function in the court where he/she is elected.

(2) As a rule, the judge shall be elected to try in specific areas.

(3) The judge cannot be transferred from one to another court against his/her will.

(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.

(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.

(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.

(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.

(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council 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 a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

Q242 (2022): Please, see the general comment.

Q242 (2021): Exceptions and safeguards - article 39 Law on courts

(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.

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(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court of the Republic of North Macedonia, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council of the Republic of North Macedonia, which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council of the Republic of North Macedonia shall be final.

Q242 (2019): The law on the Courts

Article 39

(1) The judge shall exercise the judicial function in the court where he/she is elected.

(2) As a rule, the judge shall be elected to try in specific areas.

(3) The judge cannot be transferred from one to another court against his/her will.

(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.

(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.

(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.

(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.

(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day-to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council 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 a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council, which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

Q243 (General Comment): Law on Public Prosecution office 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 committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.

Q243 (2022): Please, see the general comment.

Q243 (2020): Law on Public Prosecution office (2020)

Article 93

(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor's Office for public prosecutors in a Higher Public Prosecutor's Office, or the Basic Public Prosecutor of the Basic Public Prosecutor's Office for public prosecutor in a basic public prosecutor's office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding. Proceeding for establishment of public prosecutors' liability for committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.

Q243 (2019): Proposals for initiating a procedure for disciplinary liability are submitted by: State Public Prosecutor for all public prosecutors; Higher Public Prosecutor for Public Prosecutors in the Higher Public Prosecution Office, for the Chief Basic Public Prosecutor of the BPPO under that Higher Prosecution office and Basic Public Prosecutors under that Higher Public Prosecution office; Basic Public Prosecutor from the Basic Public Prosecution Office for Organized Crime and Corruption for the Public Prosecutors in that Prosecution Office and Chief Basic Public Prosecutor for basic public prosecutors in the prosecution office he manages.

Q244 (General Comment): Law on Public Prosecution office Article 93

- (2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.
- (3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.
- (4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.
- (5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.
- (6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.
- (7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.
- (8) Committee members shall start voting from the more serious to milder ones when they vote on the type of disciplinary measures.
- (9) The voting shall stop when a decision to impose disciplinary measure has been adopted.
- (10) In the event when after the voting on each disciplinary measure no decision has been adopted with a majority of the total number of Committee members, the voting shall not be repeated, unless a total number of members submitted a proposal to repeat the voting for one of the measures, at the same session.
- (11) If the majority of the Committee members consider that evidence for the existence of grounds for dismissal of a public prosecutor has been presented during the procedure, then, they may propose such dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, and the proposal shall also be submitted to the public prosecutor against whom the proceeding is initiated. Public prosecutor shall be entitled to an appeal against the proposal for their dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, within seven days from the submission of the proposal.

Q244 (2022): Please, see the general comment.

Q244 (2020): Law on Public Prosecution office (2020)

Article 93

(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.

(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.

(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.

(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.

(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.

(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.

(8) Committee members shall start voting from the more serious to milder ones when they vote on the type of disciplinary measures.

(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.

(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a majority of the total number of Committee members, the voting shall not be repeated, unless a total number of members submitted a proposal to repeat the voting for one of the measures, at the same session.

(11) If the majority of the Committee members consider that evidence for the existence of grounds for dismissal of a public prosecutor has been presented during the procedure, then, they may propose such dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, and the proposal shall also be submitted to the public prosecutor against whom the proceeding is initiated. Public prosecutor shall be entitled to an appeal against the proposal for their dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, within seven days from the submission of the proposal.

Q244 (2019): According to the provisions of the Law on Public Prosecutors, Chief Public Prosecutor establish a Commission, composed of five members for conducting on a proceeding for establishment of the disciplinary infringement and non-professional and unconscious exertion of the public prosecutorial office.

Q246 (2020): Law on Public Prosecution office (2020)

DISCIPLINARY INFRINGEMENT

Article 90

Disciplinary infringements committed by public prosecutor shall be:

- Serious disciplinary infringement and
- Mild disciplinary infringement.

Article 91

Serious disciplinary infringement shall be:

- serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, - if he/she fails to submit declaration of assets and interests in accordance with the law, or if the data contained in the declaration are mostly untrue,
- obvious violation of rules for exemption is situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or
- if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law,
- if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosecutor,
- precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justifiable reasons, which leads to significant delay of the procedure or, the criminal prosecution falls within statute of limitation,
- if they do not start working on cases under the successive order as received through the Case Management Information System in the public prosecution, without any justifiable reason, - if they were assessed negatively twice consecutively, in accordance with the procedure prescribed by law, or - if they do not act upon the obligatory general written instructions of the senior public prosecutor, at the time of their issuance, as stipulated by this Law.

Article 92

Mild disciplinary infringement shall be:

- minor violation of the public order and peace and other more serious forms of inappropriate behaviour, thus undermining the repute of the public prosecutors and public prosecution offices,
- non-fulfilment of mentor-like obligations, - violation of rights related to absence from work, - if they do not show up or are unjustifiable late for the scheduled hearings or court

Q251 (General Comment): Law on Public Prosecution office 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

(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: - a written warning, - salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor 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

- dismissal.

Q251 (2022): Please, see the general comment.

Q251 (2020): Law on Public Prosecution office (2020)

Article 94

(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.

(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.

(3) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt the decision for dismissal of a public prosecutor as referred to in paragraph (2) of this Article with a majority of votes of the total number of members.

(4) A decision for dismissal of the Basic Public Prosecutor of the Basic Public Prosecutor's Office for prosecution of organised crime and corruption shall be adopted by two-thirds majority of the total number of members of the Council of Public Prosecutors of the Republic of North Macedonia.

(5) The public prosecutor shall be entitled to initiate a dispute before the competent court against the decision made by the Council of Public Prosecutors of the Republic of North Macedonia.

(6) The Council of Public Prosecutors of the Republic of North Macedonia shall enact a Rulebook on the procedure for establishment of liability of public prosecutors upon the proposal of the Chief Public Prosecutor of the Republic of North Macedonia.

22. DISCIPLINARY MEASURES Article 95

(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: -~~a~~ written warning, -~~b~~ salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed:

-~~b~~ 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.

Q251 (2019): On the decision of the Commission, the person against whom the procedure is being conducted and the submitter of the proposal for initiating a procedure for disciplinary liability, within 8 days have the right to appeal to the Council of Public Prosecutors.

The decision on the appeal Council is adopt with a majority from the total number of members with a public vote.

In the case of a dismissal disciplinary measure from the position of Public Prosecutor, the Council is adopting the decision by a two-thirds majority vote of the total number of members of the Council.

Deciding on an appeal, the Council may repeal, amend, change or confirm the decision of the Commission.

Against the decision of the Council by which a measure of dismissal has been pronounced, the dismissed public prosecutor has the right to initiate an administrative dispute before the competent court.

Serbia

Q156 (General Comment): THE LAW ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHIN A REASONABLE TIME: Article 3

The legal means that protect the right to a trial within a reasonable time are:

- 1) objection to speed up the procedure (hereinafter: objection);
- 2) appeal;
- 3) request for just satisfaction.

The party does not pay the court fee in proceedings in which the right to a trial within a reasonable time is protected. They are urgent and have priority in decision-making.

Article 7: The party submits an objection to the court conducting the proceedings or to the court before which the proceedings are conducted if he believes that the public prosecutor has violated his right.

The procedure for the objection is led by the president of the court, who decides on the objection. With the annual schedule of work, he can designate one judge or more judges to lead the proceedings alongside him and decide on objections.

An oral hearing is not held, and the law governing non-litigation proceedings is applied accordingly to other issues.

The president of the court is obliged to decide on the objection within two months from the day of receipt of the objection.

Article 14

The party has the right to appeal if his objection is rejected or if the president of the court does not decide on it within two months from the day of receipt of the objection.

An appeal can also be filed if the objection was accepted, but the immediately superior public prosecutor did not issue a mandatory instruction within eight days from the date of receipt of the court president's decision, then if the court president or the immediately superior public prosecutor did not instruct the judge or the public prosecutor to take procedural actions that effectively speed up the procedure, or if the judge or public prosecutor has not taken the ordered procedural actions within the deadline set for him.

Among other things, the complaint contains the same mandatory elements as the complaint.

Article 23:

The types of just satisfaction are:

- 1) the right to payment of monetary compensation for non-property damage caused to the party by violation of the right to a trial within a reasonable time (hereinafter: monetary compensation);
- 2) the right to publish the written statement of the State Attorney's Office (hereinafter: Attorney's Office) establishing that the party's right to a trial within a reasonable time was violated;
- 3) the right to publish a judgment establishing that the party's right to a trial within a reasonable time was violated.

The responsibility of the Republic of Serbia for non-property damage caused by the violation of the right to trial within a reasonable time is objective.

When deciding on just satisfaction, the Office of the Attorney General and the courts are bound by the decisions of the president of the courts, which established a violation of the

Q156 (2022): Based on the decisions of the presidents of the courts, which accepted objections for speeding up the proceedings and found a violation of the right to a trial within reasonable time before the basic and higher courts in the Republic of Serbia, out of the total number of cases received (13,060). The largest number of these cases refer to the enforcement of legally binding court decisions. However, the exact number of Non-execution of court decisions cases is N/A.

Q156 (2020): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time (“RS Official Gazette”, No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal;

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 damages it is to be determined by court in accordance with the principle of causality and provisions of the Law on Contracts and Torts. The statistics concerning these lawsuits are presented regarding questions 32 and 36 referring to “other than criminal law cases.

Q156 (2019): Excessive length of proceedings: Pursuant to the Law on Protection of Right to Trial within a Reasonable Time (2015) which entered into force on 1 January 2016, the State Attorney established the Commission to make decisions on settlement proposals for just satisfaction when a violation was determined for a trial within reasonable time. Reliable data on these statistics and other relevant compensation is not available at this time.

In the table above, the requests, condemnations and amounts are given which are related to the execution of judgments of the ECtHR and the work of three MoJ commissions. There is no specific legislation governing the execution of judgments of the ECtHR in Serbia. In practice, The State Attorney's Office (hereinafter: the Agent) has the coordinating role in the process of execution of judgments and decisions of the ECtHR. In that regard the Agent, inter alia: - informs all the relevant domestic authorities that judgment/decision was brought; - informs the responsible domestic authorities that certain amounts should be paid to the applicants in execution of the judgment/decision of the ECtHR; - informs the Department of execution of judgments of the ECtHR on the state of execution and submits evidence on payments. The domestic authorities adopted the following practise: - non-pecuniary damages are being paid mostly from the accounts of High Court's Council; - pecuniary damages (which represent sums awarded by non-enforced domestic judgments) are being paid from the accounts of State Attorney's Office.

In total: During 2019, the State Attorney's Office enforced 35 decisions (15 judgments and 20 decisions on friendly settlement) of the ECtHR issued against Serbia. The said decisions concerned 174 applicants. During the said period, Serbia made payments in total of EUR 369.712,49 both for pecuniary and non-pecuniary damages.

Violation of the right to a trial within reasonable time: In 30 decisions issued during the year 2019, violation of the right to a trial within reasonable time was established and consequently the applicants were awarded non-pecuniary damages. All 145 applicants received payments on account of non-pecuniary damages, which amounted to EUR 330.610,86, in total.

Non-enforcement of domestic decisions: In 4 decisions issued during the year 2019, a violation of Article 6 was established on account of failure to enforce final domestic decisions, concerning 28 applicants. In execution of the said decisions an amount of EUR 12.101,63 was paid.

Wrongful arrest and wrongful conviction: Statistics of the two of the MoJ commissions cannot be differentiated, which is why these two categories are NA. The procedure for exercising the rights of a person unfoundedly deprived of liberty or an unfoundedly convicted person is regulated by the Criminal Procedure Code. The Code stipulates that prior to submitting a claim for compensation of damages to the court, the aggrieved party is obliged to file a claim for compensation of damage to the MoJ in order to reach an agreement. The Commission for determining the damage and the type and amount of compensation for persons unfoundedly convicted and unfoundedly deprived of liberty, established by the decision of the Minister of Justice, considers claims for compensation of damages and makes appropriate decisions. If the compensation claim is not adopted or the Commission does not decide on the request within three months from the date of its submission, the aggrieved party may bring an action for damages before the competent court.

In 2018, a total of 798 claims for compensation for non-pecuniary damage due to unfounded conviction and unfounded deprivation of liberty were submitted to the MoJ Commission. The Commission decided on a total of 257 filed claims and proposed the amount of 445,380 EUR for unfounded convictions and unfounded deprivations of liberty. The total amount accepted and paid for the unfounded convictions and unfounded deprivations of liberty is 122,386 EUR.

Other: consists of statistics of ECtHR Agent and Rehabilitation and Compensation Commission: In one judgment issued in the year 2019 a violation of Article 3 of the Convention

Q160 (2020): In accordance with the Law on Judges judges have a duty to maintain confidence in their independence and impartiality. The judge is obliged to conduct the procedure impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, while ensuring a fair trial and respect for the procedural rights of the parties guaranteed by the Constitution, law and international acts. (Art. 3, paras 1 and 2)

The procedural laws enable the possibility for parties in the proceedings to challenge the judge (Article 69 of the Law on Civil Procedure, Article 39 of the Law on Criminal Procedure etc).

Q161 (General Comment): Civil Procedure Code: Article 66

The judge is obliged to refrain from judging if there are reasons that cast doubt on his impartiality.

Article 67

A judge cannot perform his duties as a judge if:

- 1) is the party himself, the legal representative or attorney of the party, if he is with the party in the relationship of co-authorizer, co-obligor or recourse obligee or if he is heard as a witness or expert in the same case;
- 2) is, as a shareholder, the owner of more than 3% of the shares in the total capital of a legal entity, a member of a company or a member of a cooperative if one of the parties is his creditor or debtor;
- 3) the party or the party's legal representative or attorney is related by blood in the direct line, and in the collateral line up to the fourth degree, or his spouse, i.e. common-law partner, is a relative by in-laws up to the second degree, regardless of whether the marriage has ended or not;
- 4) is the guardian, adopter or adoptee of the party, its legal representative or attorney or if there is a joint household between him and the party, its legal representative or attorney;
- 5) some other litigation is ongoing between the judge and the party;
- 6) in the same case, he participated in the mediation procedure or in the conclusion of a court settlement that is disputed in the litigation, or he made a decision that is disputed, or he represented the party as a lawyer;
- 7) in the bankruptcy proceedings, as a bankruptcy judge or a member of the bankruptcy panel, he made a decision that led to a dispute.

A judge can be exempted if there are circumstances that cast doubt on his impartiality .

Criminal Procedure Code, Article 37:

A judge or lay judge shall be exempted from judicial duty in a specific case:

- 1) if he was damaged by a criminal act;
- 2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a blood relative in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
- 3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
- 4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this Code does not prescribe otherwise.

A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

Q161 (2022): The president of the court decides on the request for exemption from Article 39 of Criminal Procedure Code/ Article 66 of Civil Procedure Code. An appeal is not allowed against the decision rejecting or accepting the request for exemption. Court rules of procedure does not prescribe special register of these cases.

Q161 (2020): Statistics are not available at this time.

Q161 (2019): Statistics are not available at this time.

Q162 (General Comment): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution, any influence on the work of the public prosecution office and on the handling of cases by the executive and legislative authorities, by using a public position, means of public information or in any other way that can threaten the independence in the work of the public prosecution office, is prohibited.

The public prosecutor and the deputy public prosecutor are obliged to refuse any action that represents an influence on the independence of the work of the public prosecution. However, according to the Law on Public Prosecution, the directly higher public prosecutor can issue a mandatory instruction to a lower public prosecutor for handling certain cases when there is doubt about the efficiency and legality of his action, the public prosecutor can issue mandatory instructions to his/her deputy and the Republic Public Prosecutor (General Prosecutor) to every public prosecutor.

Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of public prosecution offices in cases regarding certain area of criminality or certain criminal acts, but also in order to enhance the level of protection of certain vulnerable group.

Q162 (2019): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the competent committee of the National Assembly.

Q162-0 (General Comment): Position

*Official Gazette of the RS, No. 115/2021 (Amendment XVII)

Article 155.

The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.

The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.

The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.

The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.

The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.

Hierarchical powers and legal remedies against them are more closely regulated by law.

Responsibility

*Official Gazette of RS, No. 115/2021 (Amendment XVIII)

Article 156.

The supreme public prosecutor is responsible for the work of the public prosecution and his work to the National Assembly. The Supreme Public Prosecutor is not responsible to the National Assembly for handling a particular case.

The Chief Public Prosecutor is responsible for the work of the Public Prosecutor's Office and for his work to the Supreme Public Prosecutor and the immediately superior Chief Public Prosecutor, in accordance with the law.

Public prosecutors are responsible for their work to the chief public prosecutor, in accordance with the law.

Q162-0 (2022): Constitution of the Republic of Serbia, Article 155 (1): The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

Q162-1 (2022): Please see the previous answer.

Q162-1 (2020): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the competent committee of the National Assembly.

Q162-2 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.

As an exception, the public prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.

Q162-2-0 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Q162-3 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Q162-4 (2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Q162-4-1 (2022): During 2022 total of 38 instructions were issued, out of that number 1 instruction was issued by the General Prosecutor, 7 instructions were issued by the immediately higher public prosecutor to a lower public prosecutor and 30 were issued by public prosecutor to his/her deputy.

Q162-5 (General Comment): A lower public prosecutor who believes that the mandatory instruction of the immediately higher public prosecutor is illegal and unfounded can file an objection with the explanation to the Republic Public Prosecutor within eight days from the day of receiving the instruction.

The objection is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction within three days of receiving the objection.

The public prosecutor who filed the objection is obliged to act according to the instructions until the decision of the immediately higher public prosecutor, i.e. the decision of the Republic Public Prosecutor.

The immediately higher public prosecutor, in the review procedure, can make a decision that annules the mandatory instruction, and in that case the objection is not submitted to the Republic Public Prosecutor.

The Republic public prosecutor is obliged to make a decision within 15 days from the day of receipt of the objection to the mandatory instruction.

Furthermore, a deputy public prosecutor who believes that the mandatory instruction issued by his/her public prosecutor is illegal and unfounded may file an objection with an explanation to the immediately higher public prosecutor within eight days from the day of receiving the instruction.

The objection is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction within three days of receiving the objection.

The public prosecutor, in the review procedure, can make a decision that annules the mandatory instruction, and in that case the objection is not submitted to the immediately higher public prosecutor.

The deputy public prosecutor who filed an objection is obliged to act according to the instructions until the decision of the the immediately higher public prosecutor.

The the immediately higher public prosecutor is obliged to make a decision within eight days from the day of receipt of the objection to the mandatory instruction.

The decision of the immediately higher public prosecutor on the objection is final.

An objection against the mandatory instruction of the Public Prosecutor of the Republic is not allowed.

Q164 (General Comment): Constitution of the Republic of Serbia

Law on Judges;

Law on organization of courts;

Law on High Judicial Council ;

Rules of procedure of the High Judicial Council

Q164 (2022): Law on Judges;

Law on organization of courts;

Law on High Judicial Council ;

Rules of procedure of the High Judicial Council

Q164 (2021): NA

Q164 (2020): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

Law on High Judicial Council (Official Gazette of the Republic of Serbia No.116/08, 101/10, 88/11 and 106/15)

Code of Ethics and Rules of Procedure of the High Judicial Council (Official Gazette of the Republic of Serbia No. 29/13, 4/16, 91/16, 24/17, 7/18 and 69/18) have been put in the "other" category because they are an autonomous act of the HJC (not bylaw of the Ministry)

Q164 (2019): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

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)

Q166 (General Comment): Constitution of the Republic of Serbia

Law on Public Prosecutor's office;

Law on State Prosecutorial Council ;

Rules of procedure of the State Prosecutorial Council

Q166 (2022): Constitution of the Republic of Serbia

Law on Public Prosecutor's office;

Law on State Prosecutorial Council ;

Rules of procedure of the State Prosecutorial Council

Q171 (2019): The State Prosecutorial Council and MoJ have confirmed on 14 April 2020 that they are unable to supply the relevant data for 2019.

Q172-0 (2020): Answers that are NAP should be NA.

Q173 (2022): 28th December 2022

Q175 (2020): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

Q175 (2019): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

Q176 (2019): The HJC, at the session held on 4 September 2018, adopted Rules of Procedure (“Official Gazette of RS” No. 29/13, 4/16, 91/16, 24/17 and 7/18) of the Ethics Committee that has been established as a working body of the Council, considerably extending its competencies, tasks and powers to include the following:

§ monitoring compliance with the Code of Ethics for judges;

§ monitoring compliance with the Code of Ethics for members of the HJC;

§ proposing necessary amendments to the Codes of Ethics for both judges and members of the HJC;

§ undertaking activities, in close cooperation with the Judicial Academy, aimed at preparation and delivery of necessary training programme on ethics for all judges;

§ issuing opinion on whether the specific behaviour of holders of judicial function and / or that of members of the HJC is in conformity with their respective Codes of Ethics;

§ providing written guidelines with practical examples on ethical matters and issuing complementary guidance on provisions of the Code of Ethics as well as recommendations, explanations and interpretations regarding actual or presumed violation of the Code; § providing confidential counselling;

§ submitting annual reports;

§ performing other tasks in relation to the application of and full adherence to the two Codes of Ethics for both judges and members of the HJC.

However, this decision has subsequently been revoked. It was envisioned that @the Ethics Committee may act upon its own initiative or that of individual judges, the Council itself or a member of the HJC. External initiatives must be submitted in sealed envelopes addressed to the Ethics Committee. The Ethics Committee in performing its tasks within the entrusted scope of work must fully respect principles of confidentiality of the procedure and principles of privacy as well as provisions of the Law on Data Protection. Nevertheless, the work of the Ethics Committee is public and completely transparent (with the exception of confidential counselling which is intended to be kept highly confidential at all times). The publicity of the work of the Ethics Committee is ensured through the publication of annual reports, issued statements, opinions, written instructions and practical guidelines at the official website of the Council, pursuant to art. 6 of its Rules of Procedure.“

Q177 (General Comment): The Rulebook of the High Judicial Council’s Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.

The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics’ members and may be re-elected.

Q177 (2022): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.

The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

Q177 (2021): NA

Q177 (2020): Yes, High Judicial Council. According to Art.30 of Law on Judges the High Judicial Council decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

Q177 (2019): Yes, High Judicial Council. According to Art.30 of Law on Judges the High Judicial Council decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

Q178 (2022): The Board of Ethics is a permanent working body of the High Judicial Council.

The Board of Ethics promotes ethical principles stipulated by the Code of Ethics for Judges and the Code of Ethics for the Members of the High Judicial Council and monitors their implementation to raise the awareness of the judges, the presidents of the courts and the members of the Council about the importance of ethical principles and rules of conduct in the performance of their duties, public engagement and private lives in order to raise the reputation of the judiciary and strengthen the citizen's trust in the work of judges and courts.

The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the judge's conduct is in accordance with the Judges' Code of Ethics, i.e. whether the behavior of a member of the Council is in accordance with the Code of Ethics of the members of the High Judicial Council. The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2022 five sessions of the Board of Ethics were held.

During 2022, the Board of Ethics issued 12 general opinions that were published on the website of the High Judicial Council and are available to all judges.

The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves.

His contact phone number and email address are published on the Council's website and are available to judges.

During 2022, sixteen requests were submitted and acted upon by the confidential advisor.

When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.

Q178 (2021): NA

Q178 (2020): As these opinions are only in the form of conclusions (not decisions) they are published on the website of HJC, not in the Official Gazette.

Q178 (2019): As these opinions are only in the form of conclusions (not decisions) they are published on the website of HJC, not in the Official Gazette.

Q178-1 (2022): The addressed topics were:

- the judge's statements to the media (principle of impartiality)
- the relations between the judges and the attorneys of the parties in the court proceedings (principles of impartiality and dignity)
- the relations of the judges with colleagues and with the court staff (principle of dignity and principle of professionalism and responsibility)
- behaving of judges in a public places (principle of dignity)
- the attitude of a judge to the High Judicial Council (principle of dignity)
- the relations of the judges towards the parties in the court proceedings (principle of dignity and principle of professionalism and responsibility)

Q179 (2022): The Rulebook on the work of the Ethics Committee of the State Prosecutorial Council, Article 2:
The Ethics Committee is an occasional working body of the State Prosecutorial Council(hereinafter: the Council).

The ethics committee has a chairman, a deputy chairman and three members.

The members, at a special session, elect a president and a deputy president among themselves.

The Council appoints members of the Ethics Committee for a period of three years.

Q179 (2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, 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. Members of the Ethics Committee may be dismissed by the Council decision, prior to expiration of their tenure or upon their personal request. Method of work of the Ethical Board is being regulated by a special act. The annual performance report is being submitted to the Council by the Ethics Committee. The work of the Ethics Committee is governed by a separate act.

Q180 (General Comment): 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)

Q180 (2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

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Q181 (2020): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

Q181 (2019): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

Q182 (General Comment): Law on Prevention of Corruption

IX ACTING UPON COMPLAINTS

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 petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency's actions upon complaint shall be more closely defined by the act of the Director.

Q182 (2021): IX ACTING UPON COMPLAINTS

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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 petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency's actions upon complaint shall be more closely defined by the act of the Director.

Q182 (2020): According to the Article 37 of the Law on Anti-Corruption Agency an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

It relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be made thereof and the submitter will be cautioned about the consequences of false reporting. If the criminal complaint is submitted by telephone or other telecommunications medium an official note will be made, and if the complaint was submitted by electronic mail it will be saved on an appropriate recording medium and printed. Furthermore, there is an electronic form for reporting corruption on the website of the Republic Public Prosecution Office.

Q182 (2019): 1. The publication 'Guidelines for the Prevention of undue influence on Judges' was issued and disseminated to all judges in February 2019;

2. The Guidelines on recognising and countering risks of undue influence intended for public prosecutors, deputy public prosecutors and prosecutorial assistants were also published in February 2019. According to the Article 37 of the Law on Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

It relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be made thereof and the submitter will be cautioned about the consequences of false reporting. If the criminal complaint is submitted by telephone or other telecommunications medium an official note will be made, and if the complaint was submitted by electronic mail it will be saved on an appropriate recording medium and printed. Furthermore, there is an electronic form for reporting corruption on the website of the Republic Public Prosecution Office.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Complaints

Article 65 The Agency shall accept complaints from legal and natural persons, within its purview. The Agency shall not proceed on anonymous complaints. The Agency may request the plaintiff to provide additional information, explanations and documentation.

The Agency shall notify the plaintiff of the outcome of the complaint.

Within its purview the Agency acts upon complaints submitted by natural persons or legal entities indicating corruption related practice in functioning or acting of public authority bodies or public officials. Given that the Agency neither has inspection nor investigative powers, the aim of acting upon complaints is disclosing corruption related irregularities and indicating practice which enables occurrence of corruption. Citizens can submit complaint to the Agency directly, by post and email. Citizens can use the form, which is available at the Agency's website. They can also obtain information from the ACA on submission of complaints as well as status of the ones, which have already been submitted.

Albeit current Law on the ACA envisages that the Agency shall not proceed on anonymous complaints, the Agency proposed this to be changed by the provisions of the new Law on

Q184 (2022): Case management systems of court (AVP and SAPS) have implemented functionality for random 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 (2021): Case management systems of court (AVP and SAPS) have implemented functionality for random 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.

Q184 (2019): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part of pilot project.

Q187 (2020): The information about changes of the judge and about the CMS user who has made the change remains recorded in the system.

Q187 (2019): The information about changes of the judge and about the CMS user who has made the change remains recorded in the system.

Q190 (General Comment): Law on the Corruption Prevention

Q190 (2022): Law on the Corruption Prevention

Q190 (2021): Law on the Corruption Prevention

Q190 (2020): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and 88/2019) that shall become fully applicable as of 1st of September 2020.

Q190 (2019): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and 88/2019) that shall become fully applicable as of 1st of September 2020.

Q192 (2022): Added to this questionnaire (unofficial translation)

Q192 (2021): Yes, added to the previous questionnaire but only in Serbian.

Q192 (2020): Please refer to the attachment in previous cycle.

Q193 (General Comment): According to the Law on the Corruption Prevention:

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.

Q193 (2021): According to the Law on the Corruption Prevention:

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.

Q193 (2020): According to the new Law on the Corruption Prevention:

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 of the new Law on the Corruption Prevention through

Q193 (2019): The report shall contain the following data:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
- 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
- 4) deposits in banks and other financial organizations, at home and abroad;
- 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use an apartment for official purposes;
- 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Law. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 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;

Q194 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

Q194 (2021): According to the Law on the Corruption Prevention:

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q194 (2020): According to the new Law on the Corruption Prevention: In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q194 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after 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.

Q195 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *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.

Q195 (2021): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *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 associated persons.

Q195 (2020): According to the new Law on the Corruption Prevention:

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they 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 associated persons.

Q195 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. Note-According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Moreover, one of the significant novelties of the Law on Corruption Prevention is the legal extension of the circle of associated persons, i.e. associated person shall be a family member of the public official, blood relative of the public official, i.e. lateral blood relative to the second degree of kinship, as well as natural person or legal entity who may, on other bases and circumstances, be reasonably assumed to be associated in interest with the public official (please see the definition of 'associated person' as prescribed by art. 2 (1) (6) of the Law).

Q198 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting Annual Verification Plan.

Q198 (2022): financial discrepancies (unusual change in assets, liabilities, income, etc.) *Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Q198 (2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Q198 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

Q198 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance to Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

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.

Note: Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be

Q200 (2019): <http://www.acas.rs/pretraga-registra/>

Q201 (General Comment): Types of Measures Article 82

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).

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q201 (2021): Types of Measures Article 82

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).

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q201 (2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of 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 article 101 - an official who, contrary to the provisions of this Law, fails to report property to the Agency or providing false information on property, with an intention to conceal facts about the property, shall be punished by imprisonment for a period of six months to five years.

Q201 (2019): With regard to warnings:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations. 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.

Q202 (2022): 57 measures of reprimand and 1 fine of 30000 RSD

Q203 (General Comment): According to the Law on the Corruption Prevention:

VII. PROPERTY DISCLOSURE REPORT

Regular property disclosure report

Article 68

A public official shall, within 30 days from the date of election, appointment or nomination, submit to the Agency the report on his/her property and income (hereinafter referred to as: the Report), 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 state on the date of election, appointment or nomination.

A public official, who, upon termination of public office is immediately re-elected, reappointed or renominated, shall not file the Report again, if there are no changes to the data provided in the previous Report, but shall be bound to inform the Agency thereof, within 30 days from the date of re-election, reappointment or renomination.

The Report shall also be filed by a person whose public office terminated, within 30 days from the date of termination of public office, according to the state on the date of termination of public office.

Extraordinary property disclosure report

Article 69

If the property or income of a public official significantly change in the previous year, the public official shall file the Report to the Agency according to the state on 31 December, of the previous year, and prior to the expiry of deadline for the filing of the annual tax return for determining taxes to citizens' income.

Significant change shall exist if property or income were increased or decreased, according to the prior Report, or if exceeding the average annual salary without taxes and contributions in the Republic of Serbia or if the structure of such property has changed.

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.

Q203 (2022): Law on the Corruption Prevention

Q203 (2021): Law on Prevention of Corruption

Q203 (2020): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

Q203 (2019): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

Q205 (2022): added to this questionnaire (unofficial translation)

Q205 (2021): Yes, added to the previous questionnaire but only in Serbian.

Q206 (General Comment): 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) 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 protocol or another appropriate gift. These gifts are not being

Q206 (2022): gift form added to the previous questionnaire

Q206 (2020): According to the new Law on the Corruption Prevention:

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 Article 41 of the Law on Anti-Corruption Agency and Article 62 of the new Law on the Corruption Prevention through compulsory reporting and maintaining of gift records. Detailed explanation is in the answers for the Indicator 8.4 Conflicts of

Q206 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
- 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
- 4) deposits in banks and other financial organizations, at home and abroad;
- 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use an apartment for official purposes;
- 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Law. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 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;

Q207 (General Comment): According to the Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q207 (2020): According to the new Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

Q207 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after 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.

Q208 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they 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 associated persons.

Q208 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Q208 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household.

* According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Moreover, one of the significant novelties of the Law on Corruption Prevention is the legal extension of the circle of associated persons, i.e. associated person shall be a family member of the public official, blood relative of the public official, i.e. lateral blood relative to the second degree of kinship, as well as natural person or legal entity who may, on other bases and circumstances, be reasonably assumed to be associated in interest with the public official (please see the definition of 'associated person' as prescribed by art. 2 (1) (6) of the Law).

Q210 (General Comment): The Agency for Prevention of Corruption of the Republic of Serbia. The Agency is an autonomous and independent state authority, operational since 2010, with preventive, control and supervisory competencies. The bodies of the Agency are the Director and the Council of the Agency. Following a public competition announced by the Ministry in charge of judicial affairs, the Director shall be elected by the National Assembly, by a majority vote of all deputies. A member of the Council of the Agency shall be also elected by the National Assembly, by a majority vote of all deputies, following a public competition announced by the Ministry in charge of judicial affairs.

Q211 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

Q211 (2021): unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) - Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

Q211 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

Q211 (2019): With regard to unexplained financial discrepancies - Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check. See the text below.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance with Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have 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.

Q213 (2022): <https://publicacas.acas.rs/#/acas/obrazacZaPrijavulmovineIPrihoda>

Q213 (2021): <http://www.acas.rs/pretraga-registra/>

Q213 (2020): <http://www.acas.rs/pretraga-registra/>

Q213 (2019): <http://www.acas.rs/pretraga-registra/>

Q214 (General Comment): Types of Measures Article 82

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).

According to the Law on the Corruption Prevention:

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

Q214 (2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of 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:

According to article 101 - an official who, contrary to the provisions of this Law, fails to report property to the Agency or providing false information on property, with an intention to conceal facts about the property, shall be punished by imprisonment for a period of six months to five years.

Q214 (2019): With regard to warning:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations. 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.

With regard to Fine:

Q215 (2022): 7 measures of reprimand

Q217 (General Comment): In accordance with Article 42 of the Law on the Corruption Prevention: 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 the 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 an 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 paragraphs 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

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.

According to the Law on Corruption Prevention:

This procedure will be regulated in accordance with Article 45 and Article 46 of the new Law on Corruption Prevention (these articles are copied within answer for question 216).²

Q217 (2022): Notifying the Agency

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 the 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.

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.

A Catalogue of Gifts

Article 66

Using the data from the record of gifts, the Agency shall publish a Catalogue of Gifts on its website.

The Catalogue of Gifts shall be published by 1 June of the current year for the previous calendar year.

Q217 (2021): In accordance with Article 42 of the Law on the Corruption Prevention: 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 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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Q217 (2020): In accordance with Article 42 of the new Law on the Corruption Prevention: 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

Authority

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Q217 (2019): With regard to Regulation/procedure on reporting a (potential) conflict of interest:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurement, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article.

Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this 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.

With regard to Regulation on receiving gifts:

Currently in force provisions of the Law on the Anti-Corruption Agency:

In accordance with Article 39 of the Law on Anti-Corruption Agency an official may not accept gifts in connection to the discharge of public office, except for protocol or other appropriate gifts which may not be in money or securities.

An official is required to hand over the protocol gift to the body competent to manage property in public ownership, unless the value of the gift does not exceed 5% of the value of the average monthly net salary in the Republic of Serbia.

An official may not retain an appropriate gift the value of which exceeds 5% of the average monthly net salary in the Republic of Serbia, i.e. appropriate gifts received during a

Q218 (General Comment): A judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law. The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours. A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

Judges can perform duties of a mediator but not in the dispute where they acted as a judge.

Q218 (2022): Scientific activity and cultural activities with and without remuneration

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 for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q218 (2021): Scientific activity and cultural activities with and without remuneration

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 for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q218 (2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit 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, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

Q218 (2019): According to Law on Judges a judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law.

The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours.

A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

Under the Art 33 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” No. 55/2014), which is applicable since 1 January 2015, Serbian judges may mediate outside of working hours of the court but may not be paid for their services as mediators. Instead, pursuant to the amendments and supplements to the Rulebook on the Criteria, Standards, Procedures and Authorities for Evaluating the Work of Judges and Court Presidents (“Official Gazette of RS”, no. 81/2014, 142/2014, 41/2015 and 7/2016) which are applicable from 15 July 2015, new criteria in evaluating judges’ quantity of work have been introduced: two cases which are concluded with an agreement on resolving the dispute through mediation are counted as one case solved on the merits.

Q222 (2019): Law on the Anti-Corruption Agency (New Law on the Corruption Prevention). Article 90 of the Law on Judges prescribes that accepting gifts contrary to the regulations governing conflict of interest is a disciplinary offence. Disciplinary proceedings are conducted against the judge, in accordance with the provisions of the Law.

Q223 (General Comment): In accordance with 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 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 law.

Q223 (2022): In accordance with 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 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 law.

Q223 (2021): In accordance with 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 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 law.

Q223 (2020): Please briefly describe the procedure:

In accordance to articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance to articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency 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 law.

Q223 (2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to 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 of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement

Q224 (2022): 2 measures of reprimand

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)

Q226 (General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public 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.

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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Retaining Property over Protocol and Appropriate Gifts

Article 60

Q226 (2021): 1) 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.

2)

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Term of Gifts

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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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Q226 (2020): According to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public 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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Q226 (2019): With regard to Regulation/procedure on reporting a (potential) conflict of interest:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall 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.

With regard to Regulation on receiving gifts:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 39 of the Law on Anti-Corruption Agency an official may not accept gifts in connection to the discharge of public office, except for protocol or other appropriate gifts which may not be in money or securities.

An official is required to hand over the protocol gift to the body competent to manage property in public ownership, unless the value of the gift does not exceed 5% of the value of the average monthly net salary in the Republic of Serbia.

Q227 (General Comment): 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, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q227 (2021): Scientific activity and cultural activities with and without remuneration

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 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

Q227 (2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

Q227 (2019): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council.

A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of public office. An official is required to report incomes from these activities to the Anti-Corruption Agency.

The activities specified as that they could be performed must be in line with the Constitution, Article 65 of the Law on Public Prosecution Office and the Code of Ethics of Public Prosecution Office. Article 65 of the Law on Public Prosecution Office stipulates that public prosecutors and deputy public prosecutors cannot hold a position in legislative authorities and executive authorities, public services and authorities of provincial autonomy and units of local self-government, cannot be members of political parties, to engage in publicly or privately paid businesses, and provide legal services or legal advice for remuneration. Exceptionally from paragraph 1 of the Article, a public prosecutor, i.e. a deputy public prosecutor, can be member of an authority managing an institution competent for education in judiciary, based on a decision of the State Prosecutorial Council, in line with a special law. Other positions, affairs or private interests contradicting dignity and independence of public prosecution office or harming his/her reputation are also incompatible with prosecutorial position. The State Prosecutorial Council is determining other positions and affairs contradicting dignity, i.e. harming independence or damaging reputation of public prosecution office. After working hours, a public prosecutor and a deputy public prosecutor can engage in educational and scientific activities for remuneration, without special approval. In situations defined by the law, within his/her working hours, a public prosecutor and a deputy public prosecutor may perform educational and scientific activities. They can take part in activities with civil, religious or humanitarian character if those activities do not interfere with performing of the position or if it could negatively reflect to their impartiality. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from participation at political activities and campaigns. Public prosecutors and deputy public prosecutors may be members and may participate at work of professional or other organizations dealing with protection of their professional interests and undertaking of measures for preservation of independence in work, in line with the law. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from giving statements in public or privately that could cause doubt into their impartiality, and especially they cannot give comments on cases where they are proceeding or where they could proceed.

A public prosecutor and a deputy public prosecutor can be sent to a study visit, i.e. other professional trip abroad, based on the State Prosecutorial Council decision, with the obtained opinion form the directly superior public prosecutor, i.e. a public prosecutor, where performance grades from the personal file of the public prosecutor, i.e. the deputy public prosecutor, and knowledge of a foreign language are especially taken into consideration. Pursuant to the Law on Mediation, judges can be mediators, not public prosecutors.

Q229 (2020): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts, humanitarian and sports activities, without prior approval of the Agency for Anti-Corruption if it doesn't endanger the impartial carrying of their work.

Q229 (2019): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts, humanitarian and sports activities, without prior approval of the Agency for Anti-Corruption if it doesn't endanger the impartial carrying of their work.

Q231 (General Comment): In accordance with articles 40-56 of the Law on 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 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 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 law.

Q231 (2021): In accordance with 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 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 law.

Q231 (2020): 1. Law on the Anti-Corruption

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 of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which

Q231 (2019): 1. Law on the Anti-Corruption

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to articles 27-38 of the Law on the Anti-Corruption Agency, the Agency aims to eliminate causes of corruption through procedures for resolving conflicts of interest, decumulation of public offices, and decision on other legal violations. In accordance to articles 50-57 of this Law, should it be determined, after the procedure, that a violation of Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the causes which have led or may lead to corruption are eliminated. The measures and decisions of the Agency are: measures of caution, measures of publicly announcing the decision on the violation of the Law on the Agency, measure of public announcement of recommendation for dismissal from a public office and decisions which impose the termination of the second public office by force of law.

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In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which

Q233 (2020): 2 cases initiated in 2019

Q234 (General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a judge based on which disciplinary proceedings may be formally initiated by the HJC 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 the procedure for determining the disciplinary responsibility of judges and presidents of courts.

Q234 (2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor

Q234 (2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor

Q234 (2019): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor.

A judge is dismissed when s/he is convicted of a criminal offense for which s/he is sentenced to unconditional imprisonment of at least six months or of a punishable offense rendering him/her unworthy of judicial office, in the case of unprofessional performance of judicial function, or for committing a serious disciplinary offense.

Q235 (General Comment): RULE BOOK on the procedure for determining the disciplinary responsibility of judges and presidents of courts, Article 5 : The Disciplinary Prosecutor acts according to the disciplinary report, submits to the Disciplinary Commission a proposal for conducting disciplinary proceedings, represents the proposal for conducting disciplinary proceedings before the Disciplinary Commission, files an appeal against the decision of the Disciplinary Commission and undertakes other actions in accordance with the Law on Judges and this rulebook.

The mandate of the Disciplinary Prosecutor lasts four years.

The disciplinary prosecutor submits an annual report on his work to the High Council of the Judiciary (hereinafter: the Council) no later than March 1 of the current year for the previous year and whenever the Council requests it.

Article 9: The Disciplinary Commission consists of the president and two members, who have deputies.

The President of the Disciplinary Commission manages and takes care of the organization of the work of the Disciplinary Commission.

The Disciplinary Commission acts on the proposal of the Disciplinary Prosecutor for conducting disciplinary proceedings, conducts disciplinary proceedings and makes a decision on the proposal of the Disciplinary Prosecutor for conducting disciplinary proceedings.

The mandate of the president and members of the Disciplinary Commission and their deputies lasts for four years.

The President of the Disciplinary Commission is replaced by a member of the Disciplinary Commission appointed by him in case of absence or incapacity, and in case of dismissal by a member of the Disciplinary Commission appointed by the President of the Council.

The President of the Disciplinary Commission submits an annual report on the work of the Disciplinary Commission to the Council no later than March 1 of the current year for the previous year and whenever the Council requests it.

Q235 (2022): Disciplinary commission of the HJC and the Disciplinary Prosecutor of the HJC

Q236 (General Comment): RULE BOOK on the procedure for determining the disciplinary responsibility of judges and presidents of courts, Article 23:

The disciplinary prosecutor may invite the judge/the president of the court against whom the disciplinary report was filed, to testify about the allegations in the disciplinary report.

The judge/ the president of the court, is not obliged to respond to the invitation of the Disciplinary Prosecutor.

The disciplinary prosecutor is obliged to inform the judge/ the president of the court who responds to the call, that everything he declares can be used as evidence in the disciplinary proceedings.

Article 32: The President of the Disciplinary Commission presides over the disciplinary hearing.

The chairman of the Disciplinary Commission will warn the judge/ the chairman of the court against whom disciplinary proceedings are being conducted, that he has the right not to say anything, withhold an answer to a particular question, freely state his allegations, admit or not admit responsibility for a disciplinary offense, to make a statement himself or through representative, and especially the right to present facts and propose evidence in support of his allegations, ask questions of other participants in the proceedings, make remarks and give explanations in connection with the presented evidence.

The position of the judge in the disciplinary procedure

Article 96 of the Law on Judges "Status of a judge in disciplinary proceedings":

The judge has the right to be immediately informed of the Disciplinary Prosecutor's proposal, to familiarize himself with the case and accompanying documentation, and to provide explanations and evidence for his allegations either himself or through a representative.

The judge has the right to present his allegations orally before the Disciplinary Commission.

Q236 (2022): Article 23 and 32 of the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts

Q237 (General Comment): Disciplinary offenses in accordance with Article 90 of the Law on Judges:

Paragraph 2:

A severe disciplinary offense which caused a serious disruption in the exercise of judicial power or regular duties at the court or severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence Paragraph 2 :

Paragraph 1:

line 1- a violation of the principle of independence line3 - unjustifiable delays in the drafting of decisions:

the line7-unjustifiable prolonging of proceedings :

line 17- unjustifiable change in the court's annual schedule of judges activities, and the violation of the principle of natural judge , contrary to the law.

Q237 (2022): Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 1 –a violation of the principle of independence.

Q237 (2019): Disciplinary offenses in accordance with Article 90 of the Law on Judges: - A severe disciplinary offence which caused a serious disruption in the exercise of judicial power or regular duties at the court or a severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence;
- Paragraph 5 -unjustifiable failure to schedule a hearing (placed in the category of professional inadequacy),
- Paragraph 7 -unjustifiable prolonging of proceedings (placed in the category of professional inadequacy),
- Paragraph 9 -obviously incorrect treatment of participants in proceedings and the court staff, - Paragraph 18 -serious violation of provisions of the Code of Ethics.
8 cases from 2018 have not been resolved and in 2019 disciplinary proceedings have been initiated in 7 cases

Q239 (2022): Other: ban on promotion for a period of three years

Q239 (2021): Other: ban on promotion for a period of 3 years

Q239 (2020): In 1 case, a procedure for dismissal of a judge was initiated due to a severe disciplinary offense under Article 90, paragraph 2 of the Law on Judges in connection with disciplinary offenses under Article 90, Paragraph 1, lines 9-obviously incorrect treatment of participants in proceedings and the court staff and 18- serious violation of provisions of the Code of Ethics In 3 cases the proposals of the Disciplinary Prosecutor were rejected (all three due to the disciplinary offences from Article 90, Paragraph 1, Line 7 -unjustifiable 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 , Line 18 of the Law on Judges - serious violation of provisions of the Code of Ethics.

Q239 (2019): In the part sanctions – temporary reduction of salary 2 cases - Article 90 of the Law on Judges -Paragraph 18 -serious violation of provisions of the Code of Ethics

In 3 cases the motions of the Disciplinary Prosecutor were declined.

Out of the total of 11 cases resolved, on the proposal of the Disciplinary Prosecutor, no complaints were filed in 3 cases.

In the HJC Official Report for 2019, a total of 8 disciplinary sanctions are recorded, instead of 6, having in mind two particular cases:

- In one case the High Judicial Council reversed the decision and the motion for disciplinary proceedings was rejected due to the termination of judicial office.
- In the second case the High Judicial Council reversed the appeal decision and declined the proposal on the grounds of limitation of disciplinary proceedings.

Q240 (General Comment): Article 36 of the Rulebook for determining the disciplinary responsibility of judges and presidents of courts

Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his representative/ the president of the court and his representative, may file an appeal with the Council within eight days from the date of delivery of the decision.

The decision can be contested:

- 1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper decision,
- 2) due to wrongly or incompletely established factual situation,
- 3) due to incorrect application of substantive law,
- 4) due to the decision on the imposed disciplinary sanction.

The complaint contains:

- 1) designation of the decision against which the appeal is filed,
- 2) a statement that the decision is disputed in its entirety or in a certain part,
- 3) reasons for appeal,
- 4) signature of the person making the complaint.

In the appeal, new facts can be presented and new evidence can be proposed only if the appellant makes it probable that he could not present them, that is, propose them during the first instance disciplinary procedure, through no fault of his own.

The complaint with attachments is submitted to the other party in the proceedings, who can submit an answer to the complaint within three days from the date of submission of the complaint. An untimely response to the appeal will not be taken into consideration.

The Disciplinary Commission immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal submits the case files to the Council.

Q241 (2022): Article 36 of the Rulebook on determining the disciplinary responsibility of judges and presidents of courts

Q242 (General Comment): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council.

Q242 (2021): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred 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, or recusal of judges or other reasons impede or slow down the work of the court. The High Judicial Council in 2021 passed 13 decisions on the assignment of a judge to another court, 4 decisions on the assignment of a judges to the appellate courts, 3 decisions on the assignment of a judges to basic courts, and 6 decisions on the assignment of misdemeanor court judges to work in the Panel.

Q242 (2019): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type 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, or recusal of judges or other reasons impede or slow down the work of the court.

Q243 (General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State Prosecutorial Council and the Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency.

Q243 (2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

Q243 (2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

Q243 (2020): The reply was changed due to more specific interpretation given in the Explanatory Note

Q243 (2019): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State Prosecutorial Council and the Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency. Therefore, we could choose only "Other"; State Prosecutorial Council and the Republic Public Attorney with this as an explanation, or interpret more widely and practically choose all options.

Q244 (General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.
Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 12:
Disciplinary authorities are:

- Disciplinary prosecutor and his deputies;
- Disciplinary Commission and deputy members of the Disciplinary Commission;
- The council as a second instance disciplinary body.

Q244 (2022): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Q244 (2019): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Q245 (General Comment): Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 22, Line 6: The prosecutor whose disciplinary liability is determined has the right to present his allegations orally before the Disciplinary Commission.

Article 24: The prosecutor whose disciplinary liability is determined has the right to:

- be informed about the reasons for initiating the procedure after checking the allegations of the disciplinary report by the Disciplinary Prosecutor;
- become familiar with the subject and accompanying documentation;
- to make a statement about the submitted and expanded Proposal;
- has a representative in all stages of the disciplinary procedure;
- requires that the discussion be public;

Article 109 of the Law on Public Prosecution "Status of public prosecutor or deputy public prosecutor in disciplinary proceedings":

The public prosecutor, i.e. the deputy public prosecutor, has the right to be immediately informed about the proposal of the Disciplinary Prosecutor, to familiarize himself with the case and accompanying documentation, and to provide explanations and evidence for his allegations either himself or through a representative.

The public prosecutor, that is, the deputy public prosecutor, has the right to present his allegations orally before the Disciplinary Commission.

Decisions of the Disciplinary Commission

- to file an appeal against the decision of the Disciplinary Commission;
- to file an appeal against the second-instance decision.

Q246 (General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Q246 (2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Q247 (2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Q248 (2022): Other: ban on promotion for period of 3 years

Q248 (2021): Other: ban on promotion in 3 years period

Q250 (General Comment): Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors Article 29:

Against the decision of the Disciplinary Commission, an appeal can be filed with the Council within eight days from the day of delivery of the decision.

Appeals can be filed by the Disciplinary Prosecutor, the prosecutor whose disciplinary responsibility is being determined, and his attorney.

The complaint contains:

- the number and date of the decision of the Disciplinary Commission against which the appeal is filed;
- proposal to challenge the decision in its entirety or in a certain part;
- grounds and reasons for appeal;
- signature.

The Disciplinary Commission delivers the appeal together with the attachments to the other party in the procedure for a response.

The party may submit an answer to the appeal to the Chamber within three days from the date of receipt of the appeal.

An appeal against the decision on dismissal can be submitted to the Constitutional Court within 30 days from the date of delivery of the decision, in which case the procedure is conducted on the basis of the Law on Public Prosecution.

Q251 (General Comment): State Prosecutorial Council

Q251 (2022): Appeal can be filed to the State Prosecutorial Council exclusively.

Kosovo*

Q156 (General Comment): It is not possible to obtain compensation for excessive length of procedures or non-execution of court decisions, therefore it's NAP.

Q156 (2022): The amount of 251 302 euro covers compensations for cases of Wrongful arrest / detention and Wrongful conviction.

Q156 (2020): We could not obtain these data because of the switch from the manual to electronic case management system.

Q156 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q160 (2022): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.

Q161 (General Comment): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.

Q161 (2019): If a party considers a judge to be partial, it can submit an request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be replaced. Usually, in order to provide a fair and impartial procedure, most of the requests of the parties are accepted.

Q162 (General Comment): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:

“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

Q162 (2022): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states: “It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

Q162 (2019): The Law No.03/L –225 on State Prosecutor, Article 3, paragraph 3 states:

“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

Q162-0 (General Comment): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution and by law.

Q162-0 (2022): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution (Articles 109-110), the Law on State Prosecution (Article 3), and the Law on the Kosovo Prosecutorial Council (Articles 3-4).

Q162-0 (2021): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

Q162-1 (2021): Article 23 of Law on State Prosecutor

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 without delay.

Q164 (General Comment): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.

2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

Q164 (2022): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.

2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

Q171 (2021): For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of investigation.

Q171 (2020): The number of prosecutors is not available because it is usually generated manually since there is no national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain the data since the Prosecution Offices are still working remotely and only dealing with urgent matters.

Q171 (2019): Because of the Covid 19 situation, we have not been able to obtain the data for judges yet.

Q173 (2022): Every year

Code of ethics: <https://www.gjyqesori-rks.org/wp-content/uploads/lgsi/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf>

Q177 (General Comment): This is also an ad hoc body that is formed in situations where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, takes a decision on the respective matter and sends it to the KJC. So, there is no permanent body giving opinions on the ethical questions. Is more an ad hoc Commission which, in cases when a judge is considered to have breached ethics, decides on this specific issue.

Q177 (2022): KJC has approved the Code of Ethics for Judges, which contains guidelines and rules of conduct for judges

Q177 (2019): This is also an ad hoc body which is formed in situation where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, take a decision on the respective matter and send it to the KJC. So, there is no permanent body giving opinions on ethical question. Is more an ad hoc Commission which, in cases when a judge is considered to have breached ethics, decides on this specific issue.

Q178 (2021): Please refer to the previous question.

Q178 (2020): Please refer to the previous question.

Q178 (2019): Please refer to the previous question.

Q179 (General Comment): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary procedure on that matter. So, there is not a permanent body that gives opinions on ethical questions.

Q179 (2019): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary procedure on that matter. So, there is not a permanent body who give opinions on ethical questions.

Q182 (General Comment): According to the Law on disciplinary liability of judges and prosecutors, Article 9:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the “Competent Authority”):
 - 1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
 - 1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
 - 1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
 - 1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
 - 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
 - 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offenses of the Chief State Prosecutor.
2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
 - 4.1. the identity of the natural or legal person who submits the complaint;
 - 4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
 - 4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.

Link on the law: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336> Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

Q182 (2022): According to the Law on disciplinary liability of judges and prosecutors, Article 9:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the “Competent Authority”):
 - 1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
 - 1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
 - 1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
 - 1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
 - 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
 - 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offences of the Chief State Prosecutor.
 2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
 3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
 4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
 - 4.1. the identity of the natural or legal person who submits the complaint;
 - 4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
 - 4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
 5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
 6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
 7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
- Link on the law: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336> Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

Q182 (2021): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by 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 sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.

Q182 (2019): There is no permanent mechanism which reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of influence or corruption, respective councils establish a panel which then is responsible to handle the case.

Q192 (2021): Same as the previous cycle form

Q193 (General Comment): Other items as described in the form of Declaration of Assets

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person. Law on declaration, origin and control of assets and gifts, Articles 6 and 25.

Q193 (2022): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

Q193 (2019): 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): According to the Article 7 of the Law on declaration of assets:

The declaration of assets by the declaring entities is made in the following cases:

- 1.1. declaration upon assumption of duty;
 - 1.2. regular annual declaration;
 - 1.3. declaration after termination or dismissal from public office.
2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Other: at the request by the Anti-Corruption Agency

Q194 (2022): According to the Article 7 of the Law on declaration of assets:

The declaration of assets by the declaring entities is made in the following cases:

1.1. declaration upon assumption of duty;

1.2. regular annual declaration;

1.3. declaration after termination or dismissal from public office.

2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Q195 (General Comment): According to Article 14 of the Law on Declaration of Assets:

Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.

2.The family members for whom the declaring entity declares the assets, are as follows:

2.1. spouse;

2.2. extramarital spouse;

2.3. parents; and

2.4. children.

Other family members: parents who live in the same household

Regarding children, the declaration concerns children with whom he/she lives in the same household

Q195 (2022): According to Article 14 of the Law on Declaration of Assets:

Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.

2.The family members for whom the declaring entity declares the assets, are as follows:

2.1. spouse;

2.2. extramarital spouse;

2.3. parents; and

2.4. children.

Q195 (2019): 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. "Unexplained financial discrepancies ": article 18 § 11 of the Law on declaration, origin and control of assets and gifts refers to the control of discrepancies in the data of the assets from the previous year. Besides, § 2 of article 18 specifies that the control of the declarations implies also checking data against information from previous forms.

Q198 (2019): Yes, the Agency verifies the content of each assets declaration.

Q200 (General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database of the Agency

Q200 (2019): It is published in the Website of the Anti-Corruption Agency and in the internal database of the Agency

Q201 (General Comment): According to the Law on declaration, origin and control of assets and gifts, Article 28:

The Agency is competent to impose punitive measure against the declaring entities in the following cases:

- 1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
 - 1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
 - 1.3. failure to file the regular annual declaration of assets upon termination of the mandate under Article 10 of this Law;
 - 1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
 3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
 4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.
 5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code: Article 430

Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations

1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.
2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

Q201 (2022): According to the Law on declaration, origin and control of assets and gifts, Article 28:

The Agency is competent to impose punitive measure against the declaring entities in the following cases:

1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;

1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;

1.3. failure to file the regular annual declaration of assets upon termination of the mandate under Article 10 of this Law;

1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.

2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.

3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.

4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.

5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code: Article 430

Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations

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2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.

3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

Q202 (2019): One case was completed during 2019, which was initiated in 2018, meanwhile, in December 2019, after the completion of the full control procedure, 6 cases were initiated against judges regarding the declaration of assets.

Q205 (2022): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Q205 (2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Q206 (General Comment): Article 6 of the Law on declaration, origin and control of assets and gifts.

Q207 (General Comment): Article 7 of the Law on declaration, origin and control of assets and gifts.

"Other": Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal.

Q207 (2021): Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal

Q208 (General Comment): Article 14 of the Law on declaration, origin and control of assets and gifts.

Other family members:

Parents who live in the same household

Adult children who live in the same household

Q208 (2019): Adult children who live in the same household

Q213 (General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal database of the Agency

Q213 (2021): Anti corruption agency web page

Q213 (2019): It is published in the website of the Anti-Corruption Agency and also in the internal database of the Agency

Q214 (General Comment): According to Article 430 of the Criminal Code "Failure to report or falsely report assets, income, gifts, 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. "

Q214 (2022): According to Article 430 of the Criminal Code "Failure to report or falsely report assets, income, gifts, 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. "

Q214 (2021): According to Article 430 of the Criminal Code "Failure to report or falsely report assets, income, gifts, 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. "

Q215 (2019): During 2019, 3 cases were initiated against prosecutors which were concluded due to the lack of evidence.

Q217 (General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption 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. Article 20, par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function stipulates that: Institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

Q217 (2019): According to the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

Q218 (2020): They can teach both with or without remuneration and can conduct research too.

Q218 (2019): They can teach both with or without remuneration, and yes, they can conduct research too.

Q222 (General Comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

Q222 (2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22 Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

Q224 (2019): During 2019, the Anti-Corruption Agency initiated and reviewed 11 conflict of interest cases for judges. In all these cases the conflict of interest was avoided and no further proceedings were necessary.

Q226 (General Comment): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

Q226 (2022): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

Q226 (2021): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

Q227 (General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".

And of course, they can conduct these activities without remuneration, if they wish.

Prosecutors may also engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Q227 (2022): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Q227 (2021): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

Q227 (2019): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration 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.

Q231 (General Comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

Q231 (2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22 Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

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7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

Q232 (General Comment): When a prosecutor concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has 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 such breach of rules, and he/she does not inform his supervisor, a disciplinary procedure is initiated accordingly with the actual Law.

Q233 (2019): During 2019, the Anti-Corruption Agency initiated and reviewed 2 conflict of interest cases for prosecutors. In those cases the conflict of interest was avoided and no further proceedings were necessary.

Q234 (General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

Q234 (2019): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

Q235 (General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, at the investigation stage the Kosovo Judicial Council establishes a panel of three judges to gather evidence, analyze the facts and prepare a report. The Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).

Q237 (General Comment): According to article 4 of the Law on disciplinary liability of judges and prosecutors, judges and prosecutors shall be subject to disciplinary liability for disciplinary offences, in accordance with procedures set forth in this law. Article 5 enumerates the disciplinary offences in respect of judges.

Q237 (2022): Article 5 of the Law on disciplinary liability of judges and prosecutors.

Q237 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q238 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q239 (2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Q241 (General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision. Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against judges and prosecutors.

Q241 (2019): According to the article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Other courts in Kosovo shall not have competence to review and decide on the disciplinary procedure against judges and prosecutors.

Q242 (General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

Q242 (2019): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

Q243 (General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS

Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority. Put differently, citizens can file complaints to the Council and the Ombudsman can request the Council to initiate disciplinary investigations, but the Council is the sole competent authority to formally start disciplinary proceedings.

Q243 (2019): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS

Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority

Q244 (General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, the Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).

Q246 (2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not respecting given deadlines, which is mainly the case.

Q247 (2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not respecting given deadlines, which is mainly the case.

Q248 (General Comment): Law on disciplinary liability of judges and prosecutors:

Article 7

Disciplinary sanctions

1. One or more of the following disciplinary sanctions may be imposed by the Councils on judges and prosecutors for a disciplinary offense:
 - 1.1. non-public written reprimand;
 - 1.2. public written reprimand;
 - 1.3. temporary wage reduction up to fifty percent (50%) for a period of up to one (1) year;
 - 1.4. temporary or permanent transfer to a lower level court or prosecution office;
 - 1.5. proposal for dismissal.
2. Disciplinary sanctions shall be imposed only in compliance with the principle of proportionality and taking into account:
 - 2.1. the number and seriousness of the disciplinary offenses committed by a judge or prosecutor;
 - 2.2. the consequences of a disciplinary offense;
 - 2.3. the circumstances under which the disciplinary offense was committed;
 - 2.4. the overall performance and behaviour of the judge or prosecutor;
 - 2.5. the behaviour and level of cooperation of the judge or prosecutor during the disciplinary proceedings.
3. A decision on the disciplinary liability of a judge or prosecutor shall be issued also in cases when a judge or prosecutor has after the initiation of disciplinary procedures resigned from duty or whose function as a judge or prosecutor was terminated in any other manner.
4. With the exception of the non-public reprimand, all final decisions on disciplinary sanctions shall be published without delay, but not later than fifteen (15) days, by the respective Councils on their web-site.
5. The Council shall maintain a disciplinary evidence record which shall register all disciplinary

Q248 (2022): During 2022 KPC received 9 requests for initiating disciplinary procedures against prosecutors. Based on these, KPC established 8 investigative panels, and dismissed 1 request for initiation disciplinary procedures.

9 cases were transferred from 2021 and as such in total KPC took 15 disciplinary decisions and 2 other cases are still ongoing.

Q248 (2021): The one reprimand case was (non public written reprimand) and the 3 withdrawn from cases no 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.

Q248 (2019): At the 'other' category, we put 2 cases where the report of the Office of the Disciplinary Counsel was refused (before entry into force of the new Law)

Indicator 8 - Accountability and processes affecting public trust

by question No.

Question 156. Is there a system of compensation in the following circumstances:

Question 156-1. Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests:

Question 160. Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Question 161. If yes, what are:

Question 162. Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by the law or another regulation?

Question 162-0. What is the status of public prosecution services?

Question 162-1. If they are prohibited by the law or other regulation, are there exceptions?

Question 162-2. What form these instructions may take?

Question 162-2-0. Which authority can issue such specific instructions?

Question 162-3. In that case, are the instructions:

Question 162-4. What is the frequency of this type of instructions:

Question 162-4-1. How many instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

Question 162-5. Can the public prosecutor oppose/report the instruction to an independent body ?

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 prosecutors?

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 173-1. Does the Code of Ethics contain principles on:

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 175-1. Does the Code of Ethics contain principles on:

Question 176. Is there in your country an institution / body giving guidelines and/or 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 178-1. How many opinions were given during the reference year?

Question 179. Is there in your country an institution / body giving guidelines and/or 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 181-1. *How many opinions were given during the reference year?*

Question 182. *Is there in your system an established mechanism to report attempts on influence/corruption on judges and prosecutors?*

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 185-1. *How many reassignments of cases were processed in the reference year?*

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 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 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 assets:*

- Question 217. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of judges:*
- 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 judges regulated?*
- Question 223. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of judges regulated:*
- Question 224. *Number of procedures initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year*
- Question 226. *Select and describe the procedures/mechanisms for managing (potential) conflicts of interest of prosecutors:*
- 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 prosecutors regulated?*
- Question 232. *In which law is the procedure to sanction breaches of the rules on conflicts of interest in respect of prosecutors regulated:*
- Question 233. *Number of procedures initiated/completed/sanctions pronounced for conflicts of interests against prosecutors in the reference year*
- 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 possible):*
- 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

(General Comment): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

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.

(2022): The requests for excessive length of proceedings and non-execution of court decisions, have been introduced as a separate request to the court by national law in 2017. According to the Civil Procedural Code the procedure is divided in 2 different phases. The first phase is logged as a simple request to the court and is registered in the CMS system as non-litigious cases either civil or administrative depending on the court. They are registered without a specific identifying code. The second phase is logged as litigious case based on tort legal provisions. We cannot identify these specific cases within the category. We will tackle this issue while creating the new CMS system.

Regarding the requests for wrongful arrest / detention and wrongful conviction, these cases are registered as litigious administrative cases and do not have a specific identifying code in the CMS.

(2019): In the competence of courts, shall be included the adjudication of requests for due compensation to the person, who has suffered a pecuniary or non-pecuniary damage due to the unreasonable length of a case, as per the definition of Article 6/1 of the European Convention "On Protection of Human Rights and Fundamental Freedoms".

Provisions define the evaluation of reasonable duration of a process, as well as the due compensation, when unreasonable delays have been determined in investigation procedures, trial of cases, as well as in the procedures of execution of decisions.

Just satisfaction for violation of reasonable time limits shall be deemed the recognition of violation, any measures taken to expedite the proceedings of investigation, trial of the case and execution of the decision, and/or compensation of the damage, according to the provisions of this Chapter.

Bosnia and Herzegovina

(General Comment): Parties to court proceedings may lodge complaints about the work of courts to various institutions in Bosnia and Herzegovina, as explained in the response below. If those institutions find that the complaints are well founded, they order that irregularities in the work of the court be corrected and in addition, in some cases, award compensation to the complainants. The information provided in the answer to the Question 156 relates to all complaints about the work of the courts submitted to the institutions listed below in 2022.

Excessive length of proceedings/Non execution of court decisions: A person whose right to a fair trial is violated by the excessive length of court proceedings or non-execution of the court decisions, can submit an appeal to the Constitutional Court of Bosnia and Herzegovina. Based on Article VI of the Constitution the Constitutional Court of Bosnia and Herzegovina inter alia has appellate jurisdiction over issues under the Constitution arising out of a judgment of any other court in the country. According to Article 16, paragraph 3 of its Rules, the Constitutional Court may examine, within its appellate jurisdiction, an appeal when there is no decision of a competent court if the appeal indicates a grave violation of the rights and fundamental freedoms safeguarded by the Constitution or by the international documents applied in Bosnia and Herzegovina. The Court admits appeals, based on the aforementioned provision of the Rules, alleging that a court of general jurisdiction has breached both Article II/3.e of the Constitution and Article 6, paragraph 1, of the European Convention on Human Rights by exceeding a reasonable time for determining a court case (i.e. any sort of a court case). If the violation is found, the Constitutional Court orders the court of general jurisdiction to finalize the case in question without any delay.

In a decision granting an appeal, the Constitutional Court may also award compensation for non-pecuniary damages. If the Constitutional Court considers that compensation is necessary, it shall award it on equitable basis, taking into account the standards set forth in the case-law of the Constitutional Court. The compensation is paid from budget of the government financing the court of general jurisdiction found to be responsible for the excessive length of proceedings.

In addition, a legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established recently in several jurisdictions in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In the remaining jurisdictions in Bosnia and Herzegovina, a legislative procedure is underway for the adoption of a legal framework on the protection of the right to a trial within a reasonable time. Wrongful arrest/detention 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 pronounced a criminal sanction other than imprisonment or he was pronounced guilty but freed from sanction; (v) a person who was imprisoned without a legal ground is entitled to compensation of damages if no pretrial detention was ordered against him or the time for which he was imprisoned was not included in the sentence pronounced for a criminal

(2022): The Constitutional Court of Bosnia and Herzegovina reported that the influx of cases at the Constitutional Court of BiH varies from year to year. Depending on the influx, other data on cases of the Constitutional Court of Bosnia and Herzegovina also vary. The Constitutional Court of BiH could not give an answer as to what factors influenced that figure. In previous years, the only thing that was evident was that cases involving the length of court procedures and the non-enforcement of court decisions had an effect on the total number of incoming cases. This was not the case in 2022, due to the fact that a certain number of these cases were processed by courts within the new legislative framework that regulates the protection of the right to a trial within reasonable time. According to the Constitutional Court of BiH, most of their cases concern allegations regarding the violation of the right to a fair trial (Article 6 of the European Convention) and the right to property (Article 1 of Protocol No. 1 to the European Convention) as well as cases in which the Constitutional Court of BiH is petitioned to proceed as a court of the fourth instance.

A legislative framework that regulates the protection of the right to a trial within reasonable time, according to which the courts act, has been established in one part of the jurisdiction in Bosnia and Herzegovina. According to this legal framework, the party has two options: to file a motion for procedure expedition to the court processing the case for which expedition is requested or file a complaint with the highest court in respective jurisdictions to determine the violation of the right to a trial within reasonable time, which requires the determination of financial compensation. In other parts of the jurisdiction of BiH, the establishment of this legislative framework is underway. When it comes to the number of motions to expedite case resolution, a total of 154 motions were filed to the courts in 2022. In 2022, the courts granted 39 and denied/dissmissed 76 motions of the parties. In addition, the courts received 15 claims for damages last year. In 7 cases, the courts decided to award compensation to the plaintiffs, while they rejected the lawsuit with a claim for damages in 5 cases.

The Institution of Human Rights Ombudsman of Bosnia and Herzegovina (the Ombudsman) handles complaints related to malfunctioning of public authorities or to human rights violations committed by any public institution in Bosnia and Herzegovina. In performing its competences the Ombudsman cannot decide on compensation for determined human rights violations. There is no strict deadline for handling complaints. In cases where violation of rights is established, the Ombudsman issues recommendation to competent public institutions to undertake measures to restore human rights violation or poor functioning of administration. The Institution also provides assistance to citizens how to use the most adequate legal remedies or advises them which institution to address. The Ombudsman received 347 complaints against courts in 2022; the structure of the complaints was as follows: 29 complaints alleging excessive length of proceedings, 22 complaints alleging ineffective enforcement of court decisions, 12 complaints against judges for violation of procedural laws, 2 complaints against the High Judicial and Prosecutorial Council of Bosnia and Herzegovina and 282 complaints related to the violation of other rights related to court procedure. In 2022 the Ombudsman issued 67 recommendations to the courts. These statistics are not included in the data prepared for Question 156, as the Ombudsman does not have the authority to determine compensation for damages caused to complainants of the work of courts and other institutions.

(2021): Number of requests shown in the table refers to the requests received in 2021 and number of the 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 condemnations and the amount of compensation were based on the circumstances of individual cases.

(2020): Specific comments for 2020: Number of requests shown in the table refers to the requests received in 2020 and number of the condemnations refers to the total number of condemnations in 2020, regardless of the year of request.

There were significant variations between data for 2020 and 2019.

In particular, the Constitutional Court of Bosnia and Herzegovina reported that during 2020 it rejected all individual applications alleging the non-execution of court decisions against public sector debtors (e.g. government, state-owned companies, local self-government units etc.). Having concluded that the non-execution of court decisions against public sector debtors was a systematic problem, in relation to the Article 6 of the European Convention the Human Rights, the Constitutional Court of Bosnia and Herzegovina introduced the previously mentioned policy. In addition, the Constitutional Court of Bosnia and Herzegovina requested the relevant authorities to take comprehensive corrective activities. As for the increased number of condemnations regarding excessive length of court proceedings in 2020, the Constitutional Court of Bosnia and Herzegovina reported that the higher number of condemnations corresponds with the relevant authorities' continued lack of success to take efficient legislative and other measures to reduce the length of proceedings at the courts in Bosnia and Herzegovina. There were no particular reasons (e.g. change of policy or legislation) for the data variations between 2020 and 2019 for the following categories: wrongful arrest, wrongful conviction, and others. In this regard, the relevant authorities (e.g. ministries of justice, public defenders) stated that the numbers of requests and condemnations and the amount of compensation depend on the circumstances of individual cases.

(2019): Specific comments for 2019: Number of requests shown in the table refers to the requests received in 2019 and number of the condemnations refers to the total number of condemnations in 2019, regardless of the date of submission of the request. There are significant variations between data for 2019 compared to 2018 when it comes to the number of requests, the number of condemnations, and the amount of awarded compensations for the Excessive length of proceedings and the Non - execution of court decisions. The reason for the variations is a current temporary policy change of the Constitutional Court of Bosnia and Herzegovina, regarding admissibility and handling of individual applications, pending its request to the legislative authorities and the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to take systemic measures to ensure the reasonable length of proceedings at the courts in Bosnia and Herzegovina. There are no particular reasons (e.g. change of policy or legislation) for the data differences between 2019 and 2018 for Wrongful arrest, Wrongful conviction, and Others. The variations are explained by the relevant institutions (i. e. ministries of justice, public defenders) as the increase or decrease, registered specially in 2019, in terms of the number of requests, the number of condemnations, and the amount of awarded compensations (e.g. Courts of general jurisdiction awarded in some cases relatively higher amounts of damages to the plaintiffs due to the specific facts and circumstances of those cases).

Montenegro

(2022): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 113 cases in work upon claims for just satisfaction. Based on the adopted claims for compensation of non- pecuniary damage, in 59 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 52 200 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 applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant. Wrongful arrest/detention: Data available from the Ministry of Justice. Data for settlements concluded in 2022.

(2021): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 149 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, conduct of the applicant, conduct of courts and other state bodies, local self-government bodies, public services and other holders of public authority and the interest of the applicant.

(2020): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 62 cases in work, upon claims for fair satisfaction. Based on the adopted claims for compensation of non-pecuniary damage, in 22 cases the Court found a violation of the right to a trial within a reasonable time and awarded the plaintiffs a total of 38 100 EUR.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before the competent court.

(2) A convicted person i.e. an acquitted person, is not entitled to compensation of damages if he caused the criminal proceedings through a false confession in the investigatory procedure or otherwise, or caused his conviction through such statements during the proceedings, unless he was forced to do so.

(3) In the case of conviction for offences committed in concurrence, the right to compensation of damages may also relate to respective criminal offences in regard to which the conditions for approving compensation are met."

In accordance with art. 499 par. 2 of the Criminal Procedure Code, "Before bringing a compensation claim to the court, the injured party shall submit his/her request to the ministry competent for the affairs of the judiciary in order to reach a settlement on the existence of damage and the type and amount of compensation."

"Court concerned" is referred to as the Court before which the violation of the right to a trial within 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).

(2019): With regard to the length of the proceeding, the Supreme Court of Montenegro had a total of 78 cases in work, upon actions for fair redress. Based on the adopted actions for compensation of non-pecuniary damage, due to the violation of the right to a trial within a reasonable time, a total of EUR 50.000 was awarded.

*

In 2019, the Ministry of Justice has, on the basis of 6 complete settlements on the existence of the damage, type and the amount of the compensation due to the unlawful deprivation of liberty, paid the amount of 5.238,00 €. Total number of filed requests was 50.

Ministry of Justice has several criteria on the basis of which the amount is being determined of the compensation for the damage due to the unlawful deprivation of liberty which is being offered for reaching the agreement - prior convictions, absolute statute of limitations on prosecution or the conviction is rejected due to the dismissal of the State prosecutor from further criminal prosecution, funds of the Ministry of Justice allocated by the Budget for this item, and especially, court practice is being monitored in the cases of this type, and in that terms the offer for reaching the agreement is being defined.

In accordance with the article 498 of the Criminal Procedure Code, "(1) The right to compensation of damages for unjustifiable conviction shall be held by a person against whom a criminal sanction was imposed by a final decision or who was pronounced guilty but whose punishment was remitted, and subsequently, upon an extraordinary legal remedy, the new proceedings was finally discontinued or the convicted person was acquitted by a final decision or the charge was rejected, except in the following cases:

1) if the proceedings was discontinued or the charge was dismissed because in the new proceedings the subsidiary prosecutor or private prosecutor waived the prosecution, provided that the waiver occurred on the basis of an agreement with the accused person, 2) in the new proceedings the charge was dismissed by a ruling because the court lacked jurisdiction and the authorized prosecutor has initiated prosecution before 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."

In accordance with art. 499 par. 2 of the Criminal Procedure Code, "Before bringing a compensation claim to the court, the injured party shall submit his/her request to the ministry competent for the affairs of the judiciary in order to reach a settlement on the existence of damage and the type and amount of compensation."

North Macedonia

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

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

The procedure for compensation of damage is acting by the court and the amounts depends from case to case. The amounts are related with the case and the taken actions in that case (days in wrongful arrest, wrongful conviction, lost profit, costs, rate of interest etc.)

(2019): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of 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

(General Comment): THE LAW ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHIN A REASONABLE TIME: Article 3

The legal means that protect the right to a trial within a reasonable time are:

- 1) objection to speed up the procedure (hereinafter: objection);
- 2) appeal;
- 3) request for just satisfaction.

The party does not pay the court fee in proceedings in which the right to a trial within a reasonable time is protected. They are urgent and have priority in decision-making.

Article 7: The party submits an objection to the court conducting the proceedings or to the court before which the proceedings are conducted if he believes that the public prosecutor has violated his right.

The procedure for the objection is led by the president of the court, who decides on the objection. With the annual schedule of work, he can designate one judge or more judges to lead the proceedings alongside him and decide on objections.

An oral hearing is not held, and the law governing non-litigation proceedings is applied accordingly to other issues.

The president of the court is obliged to decide on the objection within two months from the day of receipt of the objection.

Article 14

The party has the right to appeal if his objection is rejected or if the president of the court does not decide on it within two months from the day of receipt of the objection.

An appeal can also be filed if the objection was accepted, but the immediately superior public prosecutor did not issue a mandatory instruction within eight days from the date of receipt of the court president's decision, then if the court president or the immediately superior public prosecutor did not instruct the judge or the public prosecutor to take procedural actions that effectively speed up the procedure, or if the judge or public prosecutor has not taken the ordered procedural actions within the deadline set for him. Among other things, the complaint contains the same mandatory elements as the complaint.

Article 23:

The types of just satisfaction are:

- 1) the right to payment of monetary compensation for non-property damage caused to the party by violation of the right to a trial within a reasonable time (hereinafter: monetary compensation);
- 2) the right to publish the written statement of the State Attorney's Office (hereinafter: Attorney's Office) establishing that the party's right to a trial within a reasonable time was violated;
- 3) the right to publish a judgment establishing that the party's right to a trial within a reasonable time was violated.

The responsibility of the Republic of Serbia for non-property damage caused by the violation of the right to trial within a reasonable time is objective.

When deciding on just satisfaction, the Office of the Attorney General and the courts are bound by the decisions of the president of the courts, which established a violation of the

(2022): Based on the decisions of the presidents of the courts, which accepted objections for speeding up the proceedings and found a violation of the right to a trial within reasonable time before the basic and higher courts in the Republic of Serbia, out of the total number of cases received (13,060). The largest number of these cases refer to the enforcement of legally binding court decisions. However, the exact number of Non-execution of court decisions cases is N/A.

(2020): Concerning the system for compensating users in cases of excessive length of proceedings (and the same goes for non-execution of court decisions), there is a possibility to request a compensation because of excessive length of proceedings in accordance with the provisions of the Law on Protection of Right to Trial within a Reasonable Time (“RS Official Gazette”, No. 40/2015). The right to trial within a reasonable time is granted to every party in court proceedings, including enforcement proceedings, to every party in non-litigious proceedings and to the injured party in criminal proceedings, the private prosecutor and the injured party only if they have submitted a claim for damages. The public prosecutor as a party to criminal proceedings is not entitled to a trial within a reasonable time. Legal remedies according to this Law are: 1) complaint to speed up the procedure; 2) appeal;

3) request for just satisfaction. Request for just satisfaction includes the right to payment of monetary compensation for non-pecuniary damages or pecuniary damages caused to a party by violation of the right to a trial within a reasonable time (monetary compensation). A party may file a lawsuit against the Republic of Serbia for monetary compensation within one year from the day when it acquired the right to fair 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 damages it is to be determined by court in accordance with the principle of causality and provisions of the Law on Contracts and Torts. The statistics concerning these lawsuits are presented regarding questions 32 and 36 referring to “other than criminal law cases.

(2019): Excessive length of proceedings: Pursuant to the Law on Protection of Right to Trial within a Reasonable Time (2015) which entered into force on 1 January 2016, the State Attorney established the Commission to make decisions on settlement proposals for just satisfaction when a violation was determined for a trial within reasonable time. Reliable data on these statistics and other relevant compensation is not available at this time.

In the table above, the requests, condemnations and amounts are given which are related to the execution of judgments of the ECtHR and the work of three MoJ commissions. There is no specific legislation governing the execution of judgments of the ECtHR in Serbia. In practice, The State Attorney's Office (hereinafter: the Agent) has the coordinating role in the process of execution of judgments and decisions of the ECtHR. In that regard the Agent, inter alia: - informs all the relevant domestic authorities that judgment/decision was brought; - informs the responsible domestic authorities that certain amounts should be paid to the applicants in execution of the judgment/decision of the ECtHR; - informs the Department of execution of judgments of the ECtHR on the state of execution and submits evidence on payments. The domestic authorities adopted the following practise: - non-pecuniary damages are being paid mostly from the accounts of High Court's Council; - pecuniary damages (which represent sums awarded by non-enforced domestic judgments) are being paid from the accounts of State Attorney's Office.

In total: During 2019, the State Attorney's Office enforced 35 decisions (15 judgments and 20 decisions on friendly settlement) of the ECtHR issued against Serbia. The said decisions concerned 174 applicants. During the said period, Serbia made payments in total of EUR 369.712,49 both for pecuniary and non-pecuniary damages.

Violation of the right to a trial within reasonable time: In 30 decisions issued during the year 2019, violation of the right to a trial within reasonable time was established and consequently the applicants were awarded non-pecuniary damages. All 145 applicants received payments on account of non-pecuniary damages, which amounted to EUR 330.610,86, in total.

Non-enforcement of domestic decisions: In 4 decisions issued during the year 2019, a violation of Article 6 was established on account of failure to enforce final domestic decisions, concerning 28 applicants. In execution of the said decisions an amount of EUR 12.101,63 was paid.

Wrongful arrest and wrongful conviction: Statistics of the two of the MoJ commissions cannot be differentiated, which is why these two categories are NA. The procedure for exercising the rights of a person unfoundedly deprived of liberty or an unfoundedly convicted person is regulated by the Criminal Procedure Code. The Code stipulates that prior to submitting a claim for compensation of damages to the court, the aggrieved party is obliged to file a claim for compensation of damage to the MoJ in order to reach an agreement. The Commission for determining the damage and the type and amount of compensation for persons unfoundedly convicted and unfoundedly deprived of liberty, established by the decision of the Minister of Justice, considers claims for compensation of damages and makes appropriate decisions. If the compensation claim is not adopted or the Commission does not decide on the request within three months from the date of its submission, the aggrieved party may bring an action for damages before the competent court.

In 2018, a total of 798 claims for compensation for non-pecuniary damage due to unfounded conviction and unfounded deprivation of liberty were submitted to the MoJ Commission. The Commission decided on a total of 257 filed claims and proposed the amount of 445,380 EUR for unfounded convictions and unfounded deprivations of liberty. The total amount accepted and paid for the unfounded convictions and unfounded deprivations of liberty is 122,386 EUR.

Other: consists of statistics of ECtHR Agent and Rehabilitation and Compensation Commission: In one judgment issued in the year 2019 a violation of Article 3 of the Convention

Kosovo*

(General Comment): It is not possible to obtain compensation for excessive length of procedures or non-execution of court decisions, therefore it's NAP.

(2022): The amount of 251 302 euro covers compensations for cases of Wrongful arrest / detention and Wrongful conviction.

(2020): We could not obtain these data because of the switch from the manual to electronic case management system.

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 156-1

Montenegro

(General Comment): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legally binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

(2022): Before filing a law suit to the court, requests for compensation for wrongful detention or wrongful conviction need to be filed to the Ministry of Justice for settlement. Legal time limit is 3 years from legally binding court decision. If the Ministry of Justice does not decide on the request in 3 months time or the request is rejected, the person concerned may file a law suit.

Question 160

Albania

(General Comment): As provided by the Criminal Procedure Code, Parties may request the disqualification of a 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 are provided by civil procedures and administrative procedures codes.

The judge is obliged to withdraw from a case when:

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 same court. The appeal against the decision to accept or reject the request for dismissal is allowed together with the final decision.

The request for dismissing a judge of the appeals court is decided by a panel of three judges of the same court, different from the panel to which the judge belongs. The decision is of a final form.

(2021): As provided by the Criminal Procedure Code, Parties may request the disqualification of a 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 are provided by civil procedures and administrative procedures codes

Bosnia and Herzegovina

(General Comment): A judge cannot adjudicate the case if circumstances exist that raise a reasonable suspicion as to his/her impartiality. The court president decides on the request for exemption of a judge in civil proceedings. The court in plenary session decides on the petition for exemption of a judge in criminal proceedings.

Montenegro

(2022): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

(2020): The procedure is granted in line with the law (Law on civil proceeding and Criminal Procedure Code).

North Macedonia

(General Comment): Criminal Procedure Law 5. Exclusion

Article 33

Reasons for exclusion

(1) A judge or a lay judge must not exercise his or her judicial obligations:

- 1) if he or she has suffered any damage as a result of the crime;
- 2) if the accused, his counsel, the prosecutor, the injured party, his legal counsel or attorney is his or hers marital i.e. illegitimate spouse or a blood relative according to the law regardless of the degree of kinship, a distant relative to the fourth degree and an in-law to the second degree;
- 3) if, with the accused, his counsel, the plaintiff or with the injured party he or she has a relationship of a guardian, a person under guardianship, one who adopts, an adopted child, foster parent or a foster child;
- 4) if, in the same criminal case he or she participated as a judge of the preliminary procedure, participated in the examination of the indictment before the main trial or participated in the procedure as a plaintiff, defense counsel, legal counsel or authorized representative for the injured party, i.e. the plaintiff, or was examined in the capacity of a witness or as an expert witness;
- 5) if, in the same case, he or she participated in the decision making process of the lower court, or if, in the same court, he or she participated in the bringing of the decision that is annulled with the appeal;

(2) Apart from the situations as referred to in paragraph 1 of this Article, a judge or a lay judge may also be excluded from performing his or her judicial obligations if there are any circumstances that would cause any doubts regarding his or her impartiality. Article 34

Exclusion procedure

As soon as he or she establishes the existence of any of the reasons for exclusion as referred to in Article 33, paragraph 1 of this Law, the judge or lay judge shall be obliged to stop working on that case and inform the President of the Court thereby, who shall appoint a substitute judge. If the exclusion is for the President of the Court, he or she shall appoint his or her own substitute judge amongst the judges from the same court, and if that is not possible, he shall ask the President of the immediate higher court to appoint the substitute.

Article 35

Exclusion upon request by the parties

- (1) The parties may also ask for exclusion.
- (2) The parties may submit a motion for exclusion prior to the beginning of the main hearing and if they have found out the reasons for the exclusion as referred to in paragraph 1 of Article 33 later, they shall submit the exclusion motion immediately after they have been informed about them.
- (3) The party may include the exclusion motion for a judge of the higher instance court in the appeal or in the response to the appeal.

Serbia

(2020): In accordance with the Law on Judges judges have a duty to maintain confidence in their independence and impartiality. The judge is obliged to conduct the procedure impartially according to his conscience, in accordance with his own assessment of facts and interpretation of law, while ensuring a fair trial and respect for the procedural rights of the parties guaranteed by the Constitution, law and international acts. (Art. 3, paras 1 and 2)

The procedural laws enable the possibility for parties in the proceedings to challenge the judge (Article 69 of the Law on Civil Procedure, Article 39 of the Law on Criminal Procedure etc).

Kosovo*

(2022): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.

Question 161

Albania

(2019): The party files a complaint, which is considered by an other judge, assigned by lot.

Bosnia and Herzegovina

(2022): 87% of procedures initiated during 2022 were resolved in the reference year.

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 9% procedures.

(2021): 96% of procedures initiated during 2021 were resolved in the reference year.

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.

(2019): 95% challenges submitted by the parties in proceedings during 2019 were resolved in the same year.

Montenegro

(General Comment): The procedure is granted in line with the law (Law on civil proceedings and Criminal Procedure Code).

(2021): The procedure is prescribed by the Law on Civil Proceedings and the Criminal Procedure Code. If a 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 were resolved, and 28 remained unresolved.

(2020): In the period 01.01.2020.-31.12.2020., courts had in total 1872 cases on exemption, out of which 1860 cases were resolved, and 12 remained unresolved.

(2019): In the period 01.01.2019.-31.12.2019., courts had in total 1833 cases on exemption, out of which 1822 cases were resolved, and 11 remained unresolved. 1285 requests were adopted. Judges filed 1435 requests for exemption, and others 387.

North Macedonia

(2021): In 2021 there were total 2654 requests for exemption of judges while in the same year there were 2614 decisions for exemptions of judges.

(2020): In 2020 there were 2363 requests for exemption of judges while in the same year there were 2277 decisions for exemptions of judges.

(2019): In 2019 there were 2726 requests for exemption of judges while in the same year there were 2574 decisions for exemptions of judges.

Serbia

(General Comment): Civil Procedure Code: Article 66

The judge is obliged to refrain from judging if there are reasons that cast doubt on his impartiality.

Article 67

A judge cannot perform his duties as a judge if:

- 1) is the party himself, the legal representative or attorney of the party, if he is with the party in the relationship of co-authorizer, co-obligor or recourse obligee or if he is heard as a witness or expert in the same case;
- 2) is, as a shareholder, the owner of more than 3% of the shares in the total capital of a legal entity, a member of a company or a member of a cooperative if one of the parties is his creditor or debtor;
- 3) the party or the party's legal representative or attorney is related by blood in the direct line, and in the collateral line up to the fourth degree, or his spouse, i.e. common-law partner, is a relative by in-laws up to the second degree, regardless of whether the marriage has ended or not;
- 4) is the guardian, adopter or adoptee of the party, its legal representative or attorney or if there is a joint household between him and the party, its legal representative or attorney;
- 5) some other litigation is ongoing between the judge and the party;
- 6) in the same case, he participated in the mediation procedure or in the conclusion of a court settlement that is disputed in the litigation, or he made a decision that is disputed, or he represented the party as a lawyer;
- 7) in the bankruptcy proceedings, as a bankruptcy judge or a member of the bankruptcy panel, he made a decision that led to a dispute.

A judge can be exempted if there are circumstances that cast doubt on his impartiality .

Criminal Procedure Code, Article 37:

A judge or lay judge shall be exempted from judicial duty in a specific case:

- 1) if he was damaged by a criminal act;
- 2) if the defendant, his counsel, prosecutor, injured party, their legal representative or attorney, spouse or person with whom he lives in an extramarital or other permanent union of life, or a blood relative in the direct line to any degree, in the collateral line up to fourth degree, and by in-laws up to the second degree;
- 3) if he is with the defendant, his defense counsel, the prosecutor or the injured party in the relationship of guardian, ward, adopter, adoptee, foster parent or foster parent;
- 4) if in the same case he acted as a judge for preliminary proceedings or decided on the confirmation of the indictment or participated in making a decision on the merits of the charge that is disputed by an appeal or an extraordinary legal remedy or participated in the proceedings as a prosecutor, defense attorney, legal representative or attorney the injured party, i.e. the plaintiff, is either heard as a witness or as an expert, if this Code does not prescribe otherwise.

A judge or lay judge may be exempted from judicial duty in a particular case if there are circumstances that raise doubts about his impartiality.

(2022): The president of the court decides on the request for exemption from Article 39 of Criminal Procedure Code/ Article 66 of Civil Procedure Code. An appeal is not allowed against the decision rejecting or accepting the request for exemption. Court rules of procedure does not prescribe special register of these cases.

(2020): Statistics are not available at this time.

(2019): Statistics are not available at this time.

Kosovo*

(General Comment): According to the Code of Criminal Procedure of Kosovo, party can request the dismissal of the judge as soon as he has learned about the existence of reasons for dismissal, and this request can be exercised directly in a court session or through a complaint, in cases where the judge may have a family relationship with any party in the procedure or when he suspects that the same cannot be impartial in the exercise of his function.

(2019): If a party considers a judge to be partial, it can submit an request to the president of the Court, who, in accordance with the head of the KJC will check the contest and decide whether the judge should be replaced. Usually, in order to provide a fair and impartial procedure, most of the requests of the parties are accepted.

Question 162

Albania

(General Comment): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

According to the Law “On the governance institutions of the justice system”, as amended, High Prosecutorial Council may adopt normative bylaws pursuant to this or other laws with general binding effect on all prosecutors or shall adopt non-binding instructions.

Also, according to Article 48, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", nonbinding instructions on specific issues may be given by:

- a) the Prosecutor General for prosecutors General Prosecution;
- b) the head of the second instance prosecution of general jurisdiction for prosecutors in the relevant prosecution office;
- c) the head of the prosecution at the first instance prosecution of general jurisdiction for the prosecutors of the respective prosecution;
- ç) the Head of the Special Prosecution Office for Special Prosecutors;
- d) the head of the section for prosecutors nominated in the relevant section.

Instructions on specific cases are not mandatory and may be given mainly at the time the prosecutor is assigned a case, or subsequently, when deemed necessary for the progress of the proceeding. Instructions 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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

(2021): According to the Constitution and Law “On the status of judges and prosecutors”, 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.

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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Instruction on specific issues, according to Article 48, of this law are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction, notify in written the head of the prosecution or the section.

(2019): According to the Constitution and Law “On the status of judges and prosecutors”, as amended, the public prosecutor exercises the functions of investigating and prosecuting independently, assessing the facts and interpreting the law, in accordance with its internal conviction, free from any direct or indirect influence from any party and for any reason. It should not create inappropriate contacts and should not be influenced by executive or legislative power. The prosecutor must take every measure to be and appear to be outside of any influence from them. The prosecutor shall immediately notify the High Prosecutorial Council and the head of the Prosecution office, if he/she identifies any interference or exercise of improper influence over him/her.

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", non-binding 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.

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 same way, otherwise the instruction is considered withdrawn. If the prosecutor, to whom the instruction is repeated, decides in writing not to follow it, he/she shall notify in writing the head of the prosecution or the head of the section. The written instruction and possible written responses of the prosecutor are attached to the proceeding acts.

Bosnia and Herzegovina

(General Comment): In December 2021, however, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the guidelines requiring the chief prosecutors in the country to prescribe internal procedure for issuing specific instructions. The guidelines read as follows: The chief prosecutor gives mandatory individual instructions for taking procedural and substantive prosecutorial decisions in accordance with the law. The instructions must be issued in writing and entered in the case file. The prosecutor is obliged to act in accordance with the individual instructions given by the chief prosecutor unless following such instructions would mean a violation of the law. If the prosecutor disagrees with the individual instructions, he will submit his dissenting opinion to the chief prosecutor. The chief prosecutor, after obtaining the opinion of the collegiate of the prosecutor's office, makes an elaborate decision in relation to the prosecutor's dissenting opinion. The chief prosecutors issued specific instructions to public prosecutors to make a certain decision (i.e. to investigate or not, to prosecute or not) or take a certain action in a total of 80 cases in 2022, following the general guidelines that the High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted requiring the chief prosecutors to prescribe internal procedure for issuing specific instructions.

(2019): The Criminal Procedure Code pinpoints a series of core principles. Criminal proceedings may only be initiated and conducted upon the motion of the prosecutor. The latter shall initiate prosecution if there is evidence that a criminal offence has been committed. If during the course of an investigation, the prosecutor finds that there is enough evidence for grounded suspicion that the suspect has committed a criminal offence, he/she shall prepare and refer the indictment to the preliminary hearing judge. The main rights and duties of prosecutors are: as soon as he/she becomes aware that there are grounds for suspicion that a criminal offence 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 to the Code; to issue and defend indictment before the Court; to file legal remedies; to perform other tasks as provided by law. Senior public prosecutor shall have the right and duty to give mandatory instructions to the junior public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of junior public prosecutor; authorize a different junior public prosecutor to process individual cases that are within the competence of the junior public prosecutor; authorize a junior public prosecutor to perform individual activities that are within the competence of another junior public prosecutor.

North Macedonia

(General Comment): The guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

(2019): These guarantees are contained in the Law on Public Prosecution office and the Law on Criminal Procedure.

Serbia

(General Comment): In accordance with the Constitution of the Republic of Serbia and the Law on Public Prosecution, any influence on the work of the public prosecution office and on the handling of cases by the executive and legislative authorities, by using a public position, means of public information or in any other way that can threaten the independence in the work of the public prosecution office, is prohibited.

The public prosecutor and the deputy public prosecutor are obliged to refuse any action that represents an influence on the independence of the work of the public prosecution. However, according to the Law on Public Prosecution, the directly higher public prosecutor can issue a mandatory instruction to a lower public prosecutor for handling certain cases when there is doubt about the efficiency and legality of his action, the public prosecutor can issue mandatory instructions to his/her deputy and the Republic Public Prosecutor (General Prosecutor) to every public prosecutor.

Instructions of the General Prosecutor are issued in order to achieve legality, effectiveness and uniformity in the actions of public prosecution offices in cases regarding certain area of criminality or certain criminal acts, but also in order to enhance the level of protection of certain vulnerable group.

(2019): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the competent committee of the National Assembly.

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.”

(2022): The Law No.03/L–225 on State Prosecutor, Article 3, paragraph 3 states: “It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.

(2019): The Law No.03/L–225 on State Prosecutor, Article 3, paragraph 3 states:
“It shall be unlawful and in contradiction with the Constitution for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with, obstruct or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding, or case.”

Question 162-0

Albania

(General Comment): Article 148 of the Constitution of Albania

1. The Prosecution Office exercises criminal prosecution and represents accusation in court on behalf of the state. The Prosecution Office performs other duties in accordance with the law.
2. The Prosecution Office is an independent body, which shall ensure the coordination and control of its actions as well as respects the internal independence of prosecutors to investigate and prosecute, in accordance with the law.
3. The prosecution is organized and functions near the judiciary system.
4. A Special Prosecution Office, which is independent from the Prosecutor General, and an independent investigation unit, shall investigate and prosecute corruption, organized crime and crimes in accordance with article 135 paragraph 2 of the Constitution. The independent investigation unit shall be subordinate to the Special Prosecution Office.

Bosnia and Herzegovina

(General Comment): The judicial system in Bosnia and Herzegovina is consisted of both courts and prosecutor's offices, as mutually independent institutions in performing their powers. The law establishes prosecutor's offices and courts as autonomous institutions. Judges and prosecutors are considered to be judicial office holders. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina— an institution with mixed composition- appoints judges and prosecutors; it has identical competences over issues regarding both judges and prosecutors/courts and prosecutor's offices. The same legislation regulates salaries of public prosecutors and judges. Prosecutor's offices have their own respective budgets, adopted by parliaments in the procedure applicable to all other public institutions. Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions.

The basic right and the basic duty of the prosecutor is the detection and prosecution of perpetrators of criminal offenses. The prosecutor has have the following rights and duties: a) as soon as the prosecutor 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; b) to conduct an investigation in accordance with the law; c) to grant immunity in accordance with law; d) to request information from governmental bodies, companies and other physical and legal persons; e) to issue summonses and orders and to propose the issuance of summonses and orders in accordance with the law; f) to order authorized officials to execute an order issued by the court as provided by the law; g) to propose the issuance of a warrant for pronouncement of the sentence; h) to issue and defend indictment before the court; i) to file legal remedies; j) to perform other tasks as provided by the 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 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 appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programmes of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such

Montenegro

(General Comment): Constitution of Montenegro

STATE PROSECUTION

Status and responsibility

Article 134

The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

(2021): Constitution of Montenegro

STATE PROSECUTION

Status and responsibility

Article 134

The State Prosecution shall be a unique and independent state authority that performs the affairs of prosecution of the perpetrators of criminal offenses and other punishable acts who are prosecuted ex officio.

North Macedonia

(General Comment): The guarantees are part of the Constitution and the Law on Public Prosecution office.

Constitution of Republic of North Macedonia

Article 106

Public Prosecution Office

The Public Prosecution Office is a single and autonomous state body prosecuting persons that have committed crimes and other punishable acts determined by a law and performs other activities determined by a law.

The Public Prosecution Office performs its duties on the basis of the Constitution and the laws and the international agreements ratified in accordance with the Constitution.

The function of the Public Prosecution Office is performed by the public prosecutor of the Republic of North Macedonia and by the public prosecutors.

The competences, establishment, termination, organization and operation of the Public Prosecution Office is regulated by a law adopted by a two thirds majority vote of the total number of representatives.

The public prosecutor of the Republic of North Macedonia is appointed and dismissed by the Assembly of the Republic of North Macedonia for a term of six years with the right to reelection.

The public prosecutors are elected by the Council of Public Prosecutors without limitation of the duration of the term of office.

Law on Public Prosecution office (2020)

Article 2

The public prosecutor's office shall be the sole independent state body prosecuting perpetrators of criminal offences and other acts punishable by law, and performs other duties as stipulated by law.

Article 3

The public prosecutor's office shall be organized according to the principles of hierarchy and subordination.

The public prosecutor's office shall be an independent state body.

The observance of the principles referred to in paragraph (1) of this Article shall not jeopardize the independence and responsibility of each public prosecutor in the performance of their function.

Article 6

The public prosecutorial office is incompatible with the performance of any other public office or profession, except in cases determined by law or in case of membership of a political party or participation in the activities of a political party.

Serbia

(General Comment): Position

*Official Gazette of the RS, No. 115/2021 (Amendment XVII)

Article 155.

The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

The Public Prosecutor's Office exercises its powers on the basis of the Constitution, confirmed international treaties, laws, generally accepted rules of international law and other general acts adopted in accordance with the law.

No one outside the Public Prosecutor's Office can influence the Public Prosecutor's Office and the holders of the Public Prosecutor's office in handling and deciding on a particular case.

The establishment, termination, organization and jurisdiction of the public prosecutor's office are regulated by law.

The highest public prosecution in the Republic of Serbia is the Supreme Public Prosecutor's Office, which is headed by the Supreme Public Prosecutor.

The function of public prosecution is performed by the Supreme Public Prosecutor, Chief Public Prosecutors and Public Prosecutors.

The supreme public prosecutor and the chief public prosecutor in the management of public prosecutions have hierarchical powers in relation to the actions of lower chief public prosecutors and public prosecutors in a specific case.

Hierarchical powers and legal remedies against them are more closely regulated by law.

Responsibility

*Official Gazette of RS, No. 115/2021 (Amendment XVIII)

Article 156.

The supreme public prosecutor is responsible for the work of the public prosecution and his work to the National Assembly. The Supreme Public Prosecutor is not responsible to the National Assembly for handling a particular case.

The Chief Public Prosecutor is responsible for the work of the Public Prosecutor's Office and for his work to the Supreme Public Prosecutor and the immediately superior Chief Public Prosecutor, in accordance with the law.

Public prosecutors are responsible for their work to the chief public prosecutor, in accordance with the law.

(2022): Constitution of the Republic of Serbia, Article 155 (1): The Public Prosecutor's Office is a unique and independent state body that prosecutes perpetrators of criminal and other punishable acts and performs other responsibilities that protect the public interest determined by law.

Kosovo*

(General Comment): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution and by law.

(2022): State Prosecutors and the Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed by the Constitution (Articles 109-110), the Law on State Prosecution (Article 3), and the Law on the Kosovo Prosecutorial Council (Articles 3-4).

(2021): State Prosecutor and Kosovo Prosecutorial Council are independent institutions whose independence is guaranteed with Constitution and law.

Question 162-1

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q 162.

(2022): Please see the comments in the general comments section (Q162).

(2021): Please see the comments in the general comments (Q162-0).

(2020): Please see details in the section with comments.

North Macedonia

(General Comment): According to the article 56 of Law on Public Prosecution office, only reasoned compulsory general written instructions, which 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.

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.

For example, only general written instructions for all prosecutors about the expenses in the criminal procedure or general written instructions for on-call shifts of public prosecutors.

(2021): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

(2020): These guarantees are contained in the Law on Public Prosecution office (2020)

12. COMPULSORY GENERAL WRITTEN INSTRUCTIONS

Article 56

(1) The Chief Public Prosecutor of the Republic of North Macedonia shall have the right to provide reasoned compulsory general written instructions to the higher public prosecutor, the Basic Public Prosecutor of the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, and the basic public prosecutor of the basic public prosecutor's office.

(2) A higher public prosecutor shall have the right to give reasoned compulsory general written instructions to the basic public prosecutors on the territory of its jurisdiction.

(3) The instructions referred to in paragraphs (1) and (2) of this Article refer to the taking of certain measures and activities for the protection of fundamental human and civil rights and freedoms, the protection of the public interest, for more effective detection and prosecution of criminal offenses and their perpetrators, investing in legal means and application of laws.

(4) The Chief Public Prosecutor of the Republic of North Macedonia and the public prosecutors of the public prosecutor's offices may not issue instructions and directions concerning the work on specific cases of the public prosecutors.

(5) The higher public prosecutor shall be obliged to notify the Chief Public Prosecutor of the Republic of North Macedonia in writing in light of the provision of compulsory general written instructions referred to in paragraph (2) of this Article.

Serbia

(2022): Please see the previous answer.

(2020): Article 51 of the Law on the Public Prosecutor's Office ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 78/2011 - other Laws, 101/2011, 38/2012 - decision of the Constitutional Court, 121/2012, 101/2013, 111/2014 - decision of the Constitutional Court, 117/2014, 106/2015 i 63/2016 - decision of the Constitutional Court) stipulates that the Public Prosecutor and the Deputy Public Prosecutor may not be held accountable for expressing their opinion in the exercise of the prosecutorial function, unless it is a criminal offense of violation of the law by the Public Prosecutor or Deputy Public Prosecutor.

The Public Prosecutor or Deputy Public Prosecutor may not be deprived of their liberty in proceedings instituted for a criminal offense committed in the exercise of their prosecutorial function or service without the approval of the competent committee of the National Assembly.

Kosovo*

(2021): Article 23 of Law on State Prosecutor

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 without delay.

Question 162-2

Albania

(General Comment): Exceptionally, where circumstances do not allow, these instructions may be given verbally and, within a reasonable time, confirmed in writing.

Bosnia and Herzegovina

(General Comment): The instructions are issued in writing. Exceptionally, in emergency situations, instructions can be issued in oral form. The prosecutor may subsequently request that written instructions be issued.

(2022): Please see the general comments provided in relation to Q 162.

Montenegro

(General Comment): The Prosecution Service is, per se, a hierarchical organization and instructions are defined by the Law on State Prosecution Service. Instructions can be oral and written, and there is a procedure to be objected by the prosecutor if deemed unlawful or unfounded.

According to Article 132, § 1, of the Law on the State Prosecution Service: “Instructions for proceedings in an individual case shall be issued in written form and with the explanation. Exceptionally, when the circumstances do not allow for that, the instruction may be issued in an oral form, but it shall also be issued in written form within the appropriate time-frame”.

According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

(2022): see general comment also

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

The mandatory instruction is issued in written form and must contain the reason and explanation for its issuance.

As an exception, the public prosecutor may issue an oral mandatory instruction when it is necessary to undertake actions that cannot be delayed. In that case, the mandatory instruction in written form is delivered within three days from the day of issuing the oral instruction.

Question 162-2-0

Albania

(General Comment): Other authorities who may issue specific instructions are also the Head of Special Prosecution for prosecutors in the Special Prosecution Office and the head of section for prosecutors in the relevant section.

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q 162.

Montenegro

(General Comment): Law on State Prosecution Service, Articles 131 and 132.

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Question 162-3**Bosnia and Herzegovina**

(General Comment): Please see the general comments provided in relation to Q 162.

(2022): Please see the general comments provided in relation to Q 162.

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Question 162-4**Bosnia and Herzegovina**

(2022): Please see the general comments provided in relation to Q 162.

Serbia

(2022): Please take note that the answer to this question is related only to the instructions issued by a public prosecutor.

Question 162-4-1**Bosnia and Herzegovina**

(2022): Please see the general comments provided in relation to Q 162.

Montenegro

(2022): One general instruction was issued to all state prosecutor's offices.

Two individual instructions were issued to state prosecutors for prosecution.

Serbia

(2022): During 2022 total of 38 instructions were issued, out of that number 1 instruction was issued by the General Prosecutor, 7 instructions were issued by the immediately higher public prosecutor to a lower public prosecutor and 30 were issued by public prosecutor to his/her deputy.

Question 162-5

Albania

(General Comment): According to Article 48/2, 5, of the Law "On the organization and functioning of the Prosecution in the Republic of Albania", as amended, instruction on specific issues are non-binding for the lower prosecutor. When the lower prosecutor disagrees or has ambiguities, has the right to ask further written explanations in relation with the instruction. The head of the prosecution or the section is obliged to provide explanations and repeat the instruction in the same way, or the instruction is considered withdrawn. In case that, the lower prosecutor decides not to follow the repeated instruction and notify in written the head of the prosecution or the section.

Bosnia and Herzegovina

(General Comment): Please see the general comments provided in relation to Q 162.

Montenegro

(General Comment): According to the Law on State Prosecution Service, prosecutor has the right to indicate that the instruction is unlawful or unfounded and to request instruction to be repeated if it is given in written form or to be given in written form if it is oral. If the instruction is repeated and the prosecutor further deems that the instruction is unlawful or unfounded, the head of prosecutor's office may release him/her from the case upon written request and designate the case to another prosecutor. The subject prosecutor can not be responsible for the expressed opinion or filed request in this regard. Note: provisions of law not cited but rather correctly explained briefly.

Serbia

(General Comment): A lower public prosecutor who believes that the mandatory instruction of the immediately higher public prosecutor is illegal and unfounded can file an objection with the explanation to the Republic Public Prosecutor within eight days from the day of receiving the instruction.

The objection is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction within three days of receiving the objection.

The public prosecutor who filed the objection is obliged to act according to the instructions until the decision of the immediately higher public prosecutor, i.e. the decision of the Republic Public Prosecutor.

The immediately higher public prosecutor, in the review procedure, can make a decision that annuls the mandatory instruction, and in that case the objection is not submitted to the Republic Public Prosecutor.

The Republic public prosecutor is obliged to make a decision within 15 days from the day of receipt of the objection to the mandatory instruction.

Furthermore, a deputy public prosecutor who believes that the mandatory instruction issued by his/her public prosecutor is illegal and unfounded may file an objection with an explanation to the immediately higher public prosecutor within eight days from the day of receiving the instruction.

The objection is submitted through the public prosecutor who issued the mandatory instruction and who is obliged to review the mandatory instruction within three days of receiving the objection.

The public prosecutor, in the review procedure, can make a decision that annuls the mandatory instruction, and in that case the objection is not submitted to the immediately higher public prosecutor.

The deputy public prosecutor who filed an objection is obliged to act according to the instructions until the decision of the the immediately higher public prosecutor.

The the immediately higher public prosecutor is obliged to make a decision within eight days from the day of receipt of the objection to the mandatory instruction.

The decision of the immediately higher public prosecutor on the objection is final.

An objection against the mandatory instruction of the Public Prosecutor of the Republic is not allowed.

Question 164

Albania

(2022): The judges' independence is guaranteed by the constitution, by special law, by Procedural Codes both civil and penal as well as bylaws (e.g. Code of ethics)

(2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation and functioning of the prosecution office provides the relevant provisions enacting the principle of independence of judges and prosecutors.

Bosnia and Herzegovina

(General Comment): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

- a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
- b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
- c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
- d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

(2019): The judicial functions in Bosnia and Herzegovina are carried out by courts at four levels of the system according to the respective laws on courts:

- a. Bosnia and Herzegovina: The Court of Bosnia and Herzegovina,
- b. The Federation of Bosnia and Herzegovina: Supreme Court, cantonal courts (there are 10 cantons and each canton has its own cantonal court i.e. second instance courts), and municipal courts (first instance courts).
- c. Republika Srpska: Supreme Court, district courts (there are 6 district courts i.e. second instance courts), Higher Commercial Court (second instance specialized court), basic courts (first instance courts of general jurisdiction), and district commercial courts (first instance specialized courts).
- d. Brčko District of Bosnia and Herzegovina: Appellate Court and Basic Court.

According to the Law on The High Judicial and Prosecutorial Council of Bosnia and Herzegovina this institution has the following competencies with regards to the courts: appointing court presidents and judges, receiving complaints against judges, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on judges; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of judges; deciding upon issues of incompatibility of other functions performed by judges; deciding upon the temporary assignment or transfer of judges to another court; supervising the advanced professional training of judges and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for judges; determining the minimum amount of advanced professional training to be undertaken by every judge each year; determining the induction training for candidates chosen for courts and supervising the provision of such training; determining the number of judges, after consultation with the relevant court president, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the courts, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for judges.

Montenegro

(2021): Law on the judicial Council and Judges

(2020): Law on the judicial Council and Judges

(2019): Law on the Judicial Council and Judges

North Macedonia

(General Comment): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

(2022): Guarantees of the independence of judges are regulated in the Constitution and the Law on courts.

(2021): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

(2019): The independence of judges in Macedonian legal system is regulated with the Constitution and the Law on courts.

Serbia

(General Comment): Constitution of the Republic of Serbia

Law on Judges;

Law on organization of courts;

Law on High Judicial Council ;

Rules of procedure of the High Judicial Council

(2022): Law on Judges;

Law on organization of courts;

Law on High Judicial Council ;

Rules of procedure of the High Judicial Council

(2021): NA

(2020): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

Law on High Judicial Council (Official Gazette of the Republic of Serbia No.116/08, 101/10, 88/11 and 106/15)

Code of Ethics and Rules of Procedure of the High Judicial Council (Official Gazette of the Republic of Serbia No. 29/13, 4/16, 91/16, 24/17, 7/18 and 69/18) have been put in the "other" category because they are an autonomous act of the HJC (not bylaw of the Ministry)

(2019): Law on Judges (Official Gazette of the Republic of Serbia No. 116/08, 58/09, 104/09, 101/10, 8/12, 121/12, 124/12, 101/13, 111/14, 117/14, 40/15, 63/15, 106/15, 63/16 and 47/17)

Law on organisation of courts (Official Gazette of the Republic of Serbia No.116/08, 104/09, 101/10, 31/11, 78/11, 101/11, 101/13, 40/15, 106/15, 13/16, 108/16, 113/17, 65/18, 87/18 and 88/18)

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)

Kosovo*

(General Comment): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.

2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

(2022): The independence of judges is guaranteed in the Constitution of Kosovo, Article 102 [General Principles of the Judicial System]. It stipulates: The judicial power is unique, independent, fair, apolitical and impartial and ensures equal access to the courts. Also fourth paragraph ascertains that judges shall be independent and impartial in exercising their functions. The Law on Courts, Article 4: "Independence and Impartiality of the Courts" 1. The Courts established by this Law shall adjudicate in accordance with the Constitution of the Republic of Kosovo and the applicable Laws in the Republic of Kosovo.

2. Judges while exercising their function and taking decisions shall be independent, impartial, uninfluenced in any way by any natural or legal person, including public bodies.

Question 166

Albania

(2019): Constitution provides for the major principles on the independence of the judiciary and judges whereas the law on the status of judges and prosecutors, the law on the organisation and functioning of the judicial power, the law on the governance institutions of the justice system and the law on the organisation and functioning of the prosecution office provides the relevant provisions enacting the principle of independence of judges and prosecutors.

Bosnia and Herzegovina

(General Comment): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

(2019): Pursuant to the specific legislation regulating the legal status of prosecutors' offices in Bosnia and Herzegovina, they constitute independent authorities which prosecute perpetrators of criminal offenses and file legal expedients for the purpose of protecting legality and constitutionality. Public prosecution offices shall perform their functions on the basis of the constitution and the law. No one shall have the right to influence the public prosecutor's office in the execution of its constitutional and legal functions. The Chief Prosecutor shall have the right and duty to give mandatory instructions to the public prosecutor regarding his/her work, and may, apart from that: take certain actions which are in the competence of the public prosecutor; authorize a different public prosecutor to process individual cases that are within the competence of the public prosecutor; authorize a public prosecutor to perform individual activities that are within the competence of another public prosecutor. The Chief Prosecutor may perform criminal prosecution within the competence of a public prosecutor, and in doing so, s/he may: undertake necessary measures related to detection of crimes and identification of perpetrators with the purpose of directing preceding criminal proceedings; request investigation conduct; bring and represent indictment, i.e. indictment proposals and other proposals before competent court; file appeals against unlawful court decisions, i.e. withdraw already filed appeals.

The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has the following competencies: appointing Chief Prosecutors, Deputy Chief Prosecutors and prosecutors; receiving complaints against prosecutors, conducting disciplinary proceedings, determining disciplinary liability, and imposing disciplinary measures on prosecutors; deciding upon appeals in disciplinary proceedings; deciding upon suspensions of prosecutors; deciding upon issues of incompatibility of other functions performed by prosecutors; deciding upon the temporary assignment or transfer of prosecutors to another prosecutor's office; supervising the advanced professional training of prosecutors and advising the Centers for Judicial and Prosecutorial Training in their adoption of programs of advanced professional training for prosecutors; determining the minimum amount of advanced professional training to be undertaken by every prosecutor each year; determining the induction training for candidates chosen for prosecutorial office and supervising the provision of such training; determining the number of prosecutors and/or Deputy Chief Prosecutors, after consultation with the relevant Chief Prosecutor, relevant budgetary authority, and the relevant Ministry of Justice; setting criteria for the performance evaluations of judges and prosecutors; setting criteria for the performance prosecutors' offices, and initiating enquiries concerning administrative or financial conduct; issuing codes of ethics for prosecutors.

North Macedonia

(General Comment): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

(2022): Guarantees of the independence of prosecutors are regulated in the Constitution and the Law on Public Prosecution office.

(2021): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

(2019): The independence of prosecutors in Macedonian legal system is regulated with the Constitution and the Law on Public Prosecution office.

Serbia

(General Comment): Constitution of the Republic of Serbia

Law on Public Prosecutor's office;

Law on State Prosecutorial Council ;

Rules of procedure of the State Prosecutorial Council

(2022): Constitution of the Republic of Serbia

Law on Public Prosecutor's office;

Law on State Prosecutorial Council ;

Rules of procedure of the State Prosecutorial Council

Question 171

Albania

(2021): In accordance with Article 148/d, point 4, of the Constitution and Article 151, of Law "On the status of 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) prosecutors.

Bosnia and Herzegovina

(2022): ODC was informed about three investigations initiated against two judges and one prosecutor. ODC wasn't informed about end of the investigations.

One judge was sentenced to one-year prison sentence for corruptive criminal offence, in proceeding initiated last year.

(2020): In addition to one corruption-related case, there is also one case initiated because of family violence in 2020. There are also pending criminal cases against 2 judges and 4 public prosecutors from previous years.

In one case not related to corruption, the judge was sentenced to two years and ten months in prison.

(2019): In addition to one criminal case initiated against one judge in 2019, it should be noted that there are also pending criminal cases against 3 judges and 5 prosecutors that had been initiated in previous years.

Montenegro

(2019): In 2019, there were no criminal proceedings against state prosecutors. One criminal proceeding was initiated in 2018, when Prosecutorial council brought a decision of temporary removal from duty of the state prosecutor by the time of conclusion of the criminal proceeding.

North Macedonia

(2019): In 2019, criminal cases were initiated against 15 judges and 4 public prosecutors. From this for 1 judge was submitted indictment and the criminal procedure for this judge is ongoing. For 5 judges a decision for decline of submitted criminal charge has been brought by the Public Prosecution office and they are closed. For the others the procedure is ongoing in the prosecution office and there is still not a decision for them.

From the prosecutors, for one prosecutor indictment was submitted and the procedure in front of the court is ongoing. For the other 3 cases, the procedure is ongoing in the prosecution office and there is still not a decision for them.

Serbia

(2019): The State Prosecutorial Council and MoJ have confirmed on 14 April 2020 that they are unable to supply the relevant data for 2019.

Kosovo*

(2021): For the 30 completed cases, 29 cases were with dismissal of criminal report and 1 case termination of investigation.

(2020): The number of prosecutors is not available because it is usually generated manually since there is no national evidence regarding cases against prosecutors. In this regard, it has not been possible to obtain the data since the Prosecution Offices are still working remotely and only dealing with urgent matters.

(2019): Because of the Covid 19 situation, we have not been able to obtain the data for judges yet.

Question 172-0

Albania

(2022): There are procedures in place stipulated by the law on whistleblowers, regulations on gifts, as well as specific trainings by the School of Magistrates on corruption, the Judge of Ethics also plays an important role on specific matters, HIDAACI and the vetting process controls assets, the HIJC controls assets of new appointed magistrates. The mandatory rotation of judges is not a measure, that should be inadvertent. <https://klgj.al/wp-content/uploads/2021/04/VENDIM-NR.-171-DAT%c3%8b-22.04.2021-P%c3%8bR-MIRATIMIN-E-%e2%80%9cKODI-I-ETIK%c3%8bS-GJYQ%c3%8bSORE%e2%80%9d.pdf>

Bosnia and Herzegovina

(General Comment): The High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the Guidelines for the prevention of conflicts of interest in the judiciary (July 2016), covering a) incompatibilities; b) reporting on property, income, obligations and interests; c) gifts and other benefits; d) contacts with third persons and abuse of confidential information; e) nepotism; and f) education and awareness-raising. The 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 indictment is filed, it shall be decided by the prosecutor. In a situation where the judge to whom a case is assigned must be disqualified or recused from the case, the case will be reassigned to another judge. The same rule applies to prosecutors.

Case reassignment is governed by the books of rules on the case management systems in courts and prosecutor's offices (the Book of Rules on CMS and the Book of Rules on TCMS).

The case is reassigned to another judge by the Court President or a person authorised by him, who must state the grounds for reassignment.

The case is reassigned to another prosecutor by the Chief Prosecutor, who must state the grounds for reassignment.

Montenegro

(2022): Integrity plans;

Law on prevention of corruption regulates prevention of conflict of interest for holders of public functions, and thus applies also to judges and prosecutors.

Prevention of conflict of interest in the exercise of public functions

Article 7

A public official shall perform his/her function in such a manner that the public interest is not subordinated to private, and without causing a conflict of interest in the exercise of public function.

The conflict of interest in the exercise of public function exists when a private interest of a public official affects or may affect the impartiality of the public official in the exercise of public function.

The Agency shall establish the existence of a conflict of interest and implement measures for prevention of conflict of interest.

Opinions about the existence of 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 this 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 property by public officials, which are issued or adopted by the Agency in accordance with this Law, shall be binding for a public official.

It shall be deemed that a public official has violated the provisions of this Law if he fails to act in accordance with the opinion of the Agency referred to in paragraph 4 of this Article and with the obligations laid down in this Law or when he/she acts in a manner that violates the prohibitions and rules prescribed by this Law and other regulations regulating the conflict of interest in areas that are regulated by these regulations.

Serbia

(2020): Answers that are NAP should be NA.

Question 173

Albania

(2019): Law no 115/2016, Article 290, repealed the Law no 77/2012, "On the Organization and Functioning of the National Judicial Conference" and consequently the "Ethics Committee, Mandate Verification and Continuous Professional Development" under the National Judicial Conference ceased to exist. The Constitution, art. 147 and further on Law no 115/2016, art. 83 "Judicial Ethics" establish the High Judicial Council as responsible for adopting standards of judicial ethics and rules of conduct of judges and monitoring their compliance. Furthermore, law 96/2016, designs the latter institution as the responsible body for the periodic evaluation of judges on the professional and ethical criteria. Additionally, the HJC, by Decision No. 13 of 18.01.2019, established the four standing committees of the HJC, among which the committee of Ethical and Professional Performance Evaluation. This committee has finalized a regulation that includes a scoring grid on judges' professional and ethical evaluation and will further develop all the relevant criteria mentioned on the law 96/2016, which will be used for both the periodic evaluation of judges and at the same time will serve as a solid baseline/platform for their promotion. In parallel, as previously reported, the observance of magistrates to the ethical rules is subject to evaluation by the re-evaluation bodies under Law no 84/2016 "on the transitional re-assessment of judges and prosecutors in the Republic of Albania", and further on, will be part of the professional evaluation of magistrates by the HJC, according to Chapter II "criteria, sources and evaluation levels" of Law no 96/2016, Article 75, which is dedicated to ethics and commitment to professional values. The HJC, by decision No. 208 dated 11.10.2019 appointed an ethics adviser.

Bosnia and Herzegovina

(2022): The ethical codices are updated on average every two to three years, as a result of monitoring their compliance and ethical practices, and the need for further improvement.

Montenegro

(2022): periodically

North Macedonia

(General Comment): New Code of Ethics for judges and lay judges was adopted in September 2019.

Serbia

(2022): 28th December 2022

Kosovo*

(2022): Every year

Code of ethics: <https://www.gjyqesori-rks.org/wp-content/uploads/lgsi/Kodi%20Etikes%20Profesionale%20per%20gjyqtar.pdf>

Question 173-1

Albania

(2022): Section 9/gj of the Code of ethics has provisions on relationship with press agencies other paragraphs regulate nondisclosure, it also regulates extrajudicial activities and the use of the term magistrate on those activities.

North Macedonia

(General Comment): INDEPENDENCE

Principle:

The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.

IMPARTIALITY

Principle:

The judge / lay judge is obliged to perform the trial function impartially, both in decision-making and in conducting procedures.

INTEGRITY

Principle:

Integrity is an attribute of honesty and justice. The judge or lay judge always acts honestly and not only in the performance of official duties, but also in a way that is beneficial for the proper performance of the judicial function.

DIGNITY

Principle:

Decent and appropriate behavior of the judge jurors are essential for the performance of all activities of the judicial office.

EXTRAJUDICIAL ACTIVITY

Provided that they perform their judicial duties properly, and in cases when requested, and with the consent of a body determined by law, the lay judge / judge may:

- to write, teach, teach and participate in activities related to the law, the legal system, the administration of justice and similar matters;

CONFLICT OF INTERESTS

Judge / The lay judge must not perform any public or private, paid or unpaid duties, which are contrary to the function of a judge or a lay judge.

- to appear at a public hearing before an official body regarding matters related to law, the legal system, the administration of justice and similar matters;

- to be a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with impartiality and political neutrality;

or to engage in other activities if such activities do not adversely affect the dignity and dignity of the judicial office, ie if they do not interfere with the performance of judicial duties;

- the judge / lay judge must not engage in providing legal aid while performing the judicial function;

EQUALITY

Principle:

Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.

INFORMATION DISCLOSURE

(2021): INDEPENDENCE

Principle:

The independence of the judiciary is a precondition for the rule of law and is a basic guarantee for a fair trial. Therefore, every judge and lay judge should support and set an example for judicial independence, both in terms of individual and institutional aspects.

IMPARTIALITY

Principle:

The judge / lay judge is obliged to perform the trial function impartially, both in decision-making and in conducting procedures.

INTEGRITY

Principle:

Integrity is an attribute of honesty and justice. The judge or lay judge always acts honestly and not only in the performance of official duties, but also in a way that is beneficial for the proper performance of the judicial function.

DIGNITY

Principle:

Decent and appropriate behavior of the judge jurors are essential for the performance of all activities of the judicial office.

EXTRAJUDICIAL ACTIVITY

Provided that they perform their judicial duties properly, and in cases when requested, and with the consent of a body determined by law, the lay judge / judge may:

- to write, teach, teach and participate in activities related to the law, the legal system, the administration of justice and similar matters;

CONFLICT OF INTERESTS

Judge / The lay judge must not perform any public or private, paid or unpaid duties, which are contrary to the function of a judge or a lay judge.

- to appear at a public hearing before an official body regarding matters related to law, the legal system, the administration of justice and similar matters;

- to be a member of an official body, or other government commission, committee or advisory body, if such membership is not inconsistent with impartiality and political neutrality;

- or to engage in other activities if such activities do not adversely affect the dignity and dignity of the judicial office, ie if they do not interfere with the performance of judicial duties;

- the judge / lay judge must not engage in providing legal aid while performing the judicial function;

EQUALITY

Principle:

Ensuring equality of procedure for all before the courts is essential for the proper performance of the judicial function.

INFORMATION DISCLOSURE

Question 175

Albania

(General Comment): The updating of the Code of Ethics is realized when new circumstances are necessary to take in consideration prosecutor's ethic conduct or when changes are approved in law

(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.

(2019): According the Article 149/a, par. 1/ç, the High Prosecutorial Council approves the rules on ethics and supervise their implementation. High Prosecutorial Council was constituted on 19 December 2018, and during 2019 advanced in the fulfilment of the staff and providing the necessary logistics for its functioning. The current code of ethics (as above mentioned) is approved by the order from the General Prosecutor until the moment the rules on ethics will be approved by the High Prosecutorial Council, in accordance with this provision

North Macedonia

(General Comment): Last amendments on the Ethical code of public prosecutors are from 2019.

(2019): <http://jorm.gov.mk/izmenuvane-i-dopolnuvane-na-etichkiot-kodeks-na-javnite-obviniteli/>

Serbia

(2020): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

(2019): At the session held in June 2018, the Ethical Board made the decision on adoption of the new Code of Ethics, finding that the Code of Ethics in force contained certain faults. Draft of the new Code of Ethics has been prepared, and it is currently being discussed, its adoption is expected to follow.

Question 175-1

Albania

(General Comment): The prosecutor's Code of Ethics contains the basic principles and rules of the prosecutor's conduct, during and outside the exercise of duty, involvement in activities outside the prosecution and the way of implementing these rules. Each of the principles and rules is reflected in separate articles of this code, where are given some concrete non-exhaustive examples for the way of implementation in order for the prosecutors to understand better the purpose of these rules.

North Macedonia

(General Comment): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:

- independence;
- impartiality;
- integrity;
- prevention of conflict of interests;
- efficiency and professional action;
- professionalism;
- dignity and
- restraint

Public prosecutors are obliged to ensure confidence in the independence of their work, and in particular:

- in performing their function to be independent in relation to the legislative and executive power, the mass media, citizens' associations, public figures and other persons and to perform their a function independent of any external influence, restriction, persuasion, pressure or threat in accordance with its own assessment of the evidence and interpretation of legal norms;
- in the performance of their function to refrain from any expression of political views and public appearances of a political nature, except in cases of participation in public hearings that directly relate to the work of the Public Prosecutor's Office, to refrain from the presence of political rallies or by participating in political activities or campaigns expressed in any way;

(2021): Public prosecutors in the performance of their duties, in relations with other bodies, parties and citizens, in the public, as well as in mutual relations are obliged to adhere to the following principles:

- independence;
- impartiality;
- integrity;
- prevention of conflict of interests;
- efficiency and professional action;
- professionalism;
- dignity and
- restraint

Public prosecutors are obliged to ensure confidence in the independence of their work, and in particular:

- in performing their function to be independent in relation to the legislative and executive power, the mass media, citizens' associations, public figures and other persons and to perform their a function independent of any external influence, restriction, persuasion, pressure or threat in accordance with its own assessment of the evidence and interpretation of legal norms;
- in the performance of their function to refrain from any expression of political views and public appearances of a political nature, except in cases of participation in public hearings that directly relate to the work of the Public Prosecutor's Office, to refrain from the presence of political rallies or by participating in political activities or campaigns expressed in any way;

Question 176

Serbia

(2019): The HJC, at the session held on 4 September 2018, adopted Rules of Procedure (“Official Gazette of RS” No. 29/13, 4/16, 91/16, 24/17 and 7/18) of the Ethics Committee that has been established as a working body of the Council, considerably extending its competencies, tasks and powers to include the following:

§ monitoring compliance with the Code of Ethics for judges;

§ monitoring compliance with the Code of Ethics for members of the HJC;

§ proposing necessary amendments to the Codes of Ethics for both judges and members of the HJC;

§ undertaking activities, in close cooperation with the Judicial Academy, aimed at preparation and delivery of necessary training programme on ethics for all judges;

§ issuing opinion on whether the specific behaviour of holders of judicial function and / or that of members of the HJC is in conformity with their respective Codes of Ethics;

§ providing written guidelines with practical examples on ethical matters and issuing complementary guidance on provisions of the Code of Ethics as well as recommendations, explanations and interpretations regarding actual or presumed violation of the Code; § providing confidential counselling;

§ submitting annual reports;

§ performing other tasks in relation to the application of and full adherence to the two Codes of Ethics for both judges and members of the HJC.

However, this decision has subsequently been revoked. It was envisioned that @the Ethics Committee may act upon its own initiative or that of individual judges, the Council itself or a member of the HJC. External initiatives must be submitted in sealed envelopes addressed to the Ethics Committee. The Ethics Committee in performing its tasks within the entrusted scope of work must fully respect principles of confidentiality of the procedure and principles of privacy as well as provisions of the Law on Data Protection. Nevertheless, the work of the Ethics Committee is public and completely transparent (with the exception of confidential counselling which is intended to be kept highly confidential at all times). The publicity of the work of the Ethics Committee is ensured through the publication of annual reports, issued statements, opinions, written instructions and practical guidelines at the official website of the Council, pursuant to art. 6 of its Rules of Procedure.“

Question 177

Albania

(2022): According to art 83 of the law no 115/2016, The judge of ethics, (which is a single judge, appointed by HJC) gives opinions on ethic related aspects while the HJC is the responsible body that sets the code of ethics.

(2019): As previously mentioned, such a function belongs to the HJC, specifically to the committee of Ethical and Professional Performance Evaluation, as well as to the ethics adviser. While the HJC and the committee are formed by judges and other legal professionals, the ethics adviser is a judge.

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

(2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Montenegro

(General Comment): By judges and other legal professionals

Other, please specify:

Twofold:

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official.”

Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by 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 body, established by the Parliament of Montenegro, in accordance with the present Law.”

(2020): By judges and other legal professionals

Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official.”

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 body, established by the Parliament of Montenegro, in accordance with the present Law.”

(2019): ✓ By judges and other legal professionals

✓ Other

a) The Commission for the Ethics codex of Judges (body of the Judicial Council)

b) In accordance with article 7 of the Law on prevention of corruption, “Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official.”

Also, the Article 4 of the same Law defines that “The tasks of prevention of conflicts of public and private interest, restrictions in the exercise of public functions, verification of the reports on income and assets by 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 body, established by the Parliament of Montenegro, in accordance with the present Law.”

North Macedonia

(2021): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

(2019): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

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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 from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

Serbia

(General Comment): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.

The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

(2022): The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics shall have 7 members. A judge and a retired judge may be elected members of the Board of Ethics, but a court president, a member of the Council and a member of the permanent working body of the Council cannot be appointed members of the Board of Ethics.

The president and the deputy president of the Board of Ethics shall be elected from among the members of the Board of Ethics for a period of one year by a majority vote of the Board of Ethics' members and may be re-elected.

(2021): NA

(2020): Yes, High Judicial Council. According to Art.30 of Law on Judges the High Judicial Council decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

(2019): Yes, High Judicial Council. According to Art.30 of Law on Judges the High Judicial Council decides which activities are contrary to the dignity and independence of a judge and damaging to the reputation of the court, on the basis of the Code of Ethics.

Kosovo*

(General Comment): This is also an ad hoc body that is formed in situations where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, takes a decision on the 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 when a judge is considered to have breached ethics, decides on this specific issue.

(2022): KJC has approved the Code of Ethics for Judges, which contains guidelines and rules of conduct for judges

(2019): This is also an ad hoc body which is formed in situation where is a case to be treated. There is an office of the investigative panel which provides the ad hoc Commission (consisted of three judges: from basic courts, Court of Appeals and Supreme Court) with a report on the respective question with regard to the specific judges. The Commission, based on the report provided, take a decision on the respective matter and send it to the KJC. So, there is no permanent body giving opinions on ethical question. Is more an ad hoc Commission which, in cases when a judge is considered to have breached ethics, decides on this specific issue.

Question 178

Albania

(2019): There have been issued no such opinions, yet. It depends on the approval of the new code of ethics for judges.

Bosnia and Herzegovina

(2022): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

(2020): The Committee usually meets once per month.

(2019): The Committee usually meets once per month.

Montenegro

(General Comment): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality. 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.

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Not public opinions

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.

(2020): The Ethic Commission could give opinion in accordance with the guidelines from December 2018 jointly developed and adopted by the Commission on Judicial Code of Ethics and the Commission for the Prosecutorial Code of Ethics, with the expert support of the Council of Europe through the "Accountability in the judicial system." There are three guidelines, namely: Guidance on the issue of permissible limits of use accounts on social networks in terms of professional ethics of judges and public prosecutors; Guidelines in relation to permitted activities which judges/state prosecutors may perform along the with judicial/prosecutorial office; and guidelines in relation to the issue of participation of judges and public prosecutors in political activities in terms of the principle of independence and impartiality.

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√ Not public opinions

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.

North Macedonia

(General Comment): Consultative Body for judicial ethics as a part of Association of Judges

For consistent application of the principles of the Code of Ethics, the Association of the Judges of North Macedonia establishes an advisory committee, which upon request by a judge, lay-judge, president of a court, session of a court or the Association of Judges of Republic of North Macedonia (its branches) issues advisory opinions and advices concerning one or more questions regarding ethical conduct of a judge/lay-judge or regarding appropriate performance of judicial duties and avoidance of a conflict of interest between the judges' and lay-judges' private life and performance of their judicial duties. The opinions and advices of the Advisory Committee have preventive and advisory character. They indicate the conducts that represent a violation to the principles of the judicial Code of Ethics. The Advisory Committee works under the auspices of the Association of Judges of Republic of North Macedonia and is consisted of a president and 6 members. The members of the Advisory Committee are elected by the Steering Board of the Association of judges, from among the lines of the judges and lay-judges of Republic of North Macedonia, upon proposal of the branches of the Association of judges, with a mandate of two years. The members of the Advisory body are elected as follows: one judge of the Supreme Court, one judge of the Administrative or High Administrative Court, one judge from each appellate jurisdiction, who enjoy confidence of the judges on bases of his/her personal integrity and dignity in the execution of the judicial function, and one lay-judge. The president of the Advisory Committee is elected from among the members of the Committee. The members of the Advisory Committee enjoy immunity and may not be held responsible or be subject of a disciplinary procedure for the reason of given opinion or action as a member of the Advisory Committee.

The members of the Committee shall work without any compensation.

The Advisory Committee for Judicial Ethics submits Annual report for its activities to the Steering Board of the Association of the Judges and the General session of the Supreme Court. A request for an advisory opinion from a judge, lay-judge, president of a court or Association of judges of Republic of North Macedonia (its branches) should be submitted in writing, to which the Committee responds in writing no later than 15 days from the day of receiving the request, based on concrete facts and circumstances. If any of the facts or circumstances in the request are not detailed enough to allow the Committee to issue an appropriate opinion, additional information can be requested from the submitter of the request for opinion. The Committee shall not issue an opinion if the requested additional information is not enough or is not submitted. The Advisory Committee publishes its advisory opinions on the web-sites of the Association of the Judges and the Supreme Court of Republic of North Macedonia, as well as the facts and circumstances they are based on, after an appropriate anonymizing of the persons, places and data that may lead to identification. The sessions of the Advisory Committee are confidential. Publication of the edited (anonymized) opinions of the Advisory Committee is available to all judges, with aim to provide directions to other judges that face similar issues. Publication of the legal opinions and advices on certain issues related to the exercise of judicial office, prevention of conflicts of interest of judges/lay-judges, the manner of disposal with protocol gifts received during official visits, receptions and celebrations as well as prohibition for giving/receiving gifts by a judge and a lay judge are submitted in person, electronically or by post to the applicant for advice.

(2021): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

(2019): <http://www.mja.org.mk/Default.aspx?id=c2f58fe6-3965-4c1c-87ba-522b742c7fe1>

Serbia

(2022): The Board of Ethics is a permanent working body of the High Judicial Council.

The Board of Ethics promotes ethical principles stipulated by the Code of Ethics for Judges and the Code of Ethics for the Members of the High Judicial Council and monitors their implementation to raise the awareness of the judges, the presidents of the courts and the members of the Council about the importance of ethical principles and rules of conduct in the performance of their duties, public engagement and private lives in order to raise the reputation of the judiciary and strengthen the citizen's trust in the work of judges and courts.

The Rulebook of the High Judicial Council's Board of Ethics stipulates that the Board of Ethics issued general opinions on whether the judge's conduct is in accordance with the Judges' Code of Ethics, i.e. whether the behavior of a member of the Council is in accordance with the Code of Ethics of the members of the High Judicial Council. The Board of Ethics adopts decisions at its sessions. The sessions are convened when needed, but at least four times per year. In 2022 five sessions of the Board of Ethics were held.

During 2022, the Board of Ethics issued 12 general opinions that were published on the website of the High Judicial Council and are available to all judges.

The Confidential counsellor is a member of the Board of Ethics appointed by the Board of Ethics from among its members, with whom the judges may consult when they have doubts regarding the implementation of the Code of Ethics in specific situations in which they find themselves.

His contact phone number and email address are published on the Council's website and are available to judges.

During 2022, sixteen requests were submitted and acted upon by the confidential advisor.

When providing an opinion, the confidential counsellor is guided by the Code of Ethics, the adopted positions of the Board of Ethics, while preserving the identity of the initiator of confidential counselling.

(2021): NA

(2020): As these opinions are only in the form of conclusions (not decisions) they are published on the website of HJC, not in the Official Gazette.

(2019): As these opinions are only in the form of conclusions (not decisions) they are published on the website of HJC, not in the Official Gazette.

Kosovo*

(2021): Please refer to the previous question.

(2020): Please refer to the previous question.

(2019): Please refer to the previous question.

Question 178-1

Bosnia and Herzegovina

(2022): Judges' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of their membership in bar or state exam panels, and performing these activities for a fee.

Montenegro

(2022): At the Commission session, held on June 17 2022. the Guideline on freedom of expression of judges were adopted , and it was published on the Council's web portal: https://sudovi.me/static//sdsd/doc/Smjernice_sloboda_izrazavanja.pdf

North Macedonia

(2022): Topics of the 3 opinions (2022) of the Advisory Committee on Judicial Ethics are the following one:

1. Membership of the judge in association, available at <https://sudiskaetika.mk/assets/dok/mislenje2.pdf>
2. Cases connected with attorney at law engaged by the judge as attorney-in-fact, available at <https://sudiskaetika.mk/assets/dok/mislenje4.pdf>
3. Right of the judge to participate in sport associations and to be present on the sport matches , available at <https://sudiskaetika.mk/assets/dok/mislenje3.pdf>

Serbia

(2022): The addressed topics were:

- the judge's statements to the media (principle of impartiality)
- the relations between the judges and the attorneys of the parties in the court proceedings (principles of impartiality and dignity)
- the relations of the judges with colleagues and with the court staff (principle of dignity and principle of professionalism and responsibility)
- behaving of judges in a public places (principle of dignity)
- the attitude of a judge to the High Judicial Council (principle of dignity)
- the relations of the judges towards the parties in the court proceedings (principle of dignity and principle of professionalism and responsibility)

Question 179

Albania

(General Comment): According to the Law “On the governance institutions of the justice system”, the Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

(2021): According to the Law “On the governance institutions of the justice system”, the Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
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- 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;
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- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Serbia

(2022): The Rulebook on the work of the Ethics Committee of the State Prosecutorial Council, Article 2:

The Ethics Committee is an occasional working body of the State Prosecutorial Council(hereinafter: the Council).

The ethics committee has a chairman, a deputy chairman and three members.

The members, at a special session, elect a president and a deputy president among themselves.

The Council appoints members of the Ethics Committee for a period of three years.

(2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, 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. Members of the Ethics Committee may be dismissed by the Council decision, prior to expiration of their tenure or upon their personal request. Method of work of the Ethical Board is being regulated by a special act. The annual performance report is being submitted to the Council by the Ethics Committee. The work of the Ethics Committee is governed by a separate act.

Kosovo*

(General Comment): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary procedure on that matter. So, there is not a permanent body that gives opinions on ethical questions.

(2019): There is no body or mechanism that deals specifically with these issues. However, if a prosecutor breaches the code of ethics (including involvements in political life or misuse of social media) the chief prosecutor of that respective prosecution office can request from the KPC to initiate a disciplinary procedure on that matter. So, there is not a permanent body who give opinions on ethical questions.

Question 180

Albania

(2019): The High Prosecutorial Council appoints an Ethics Adviser among the prosecutors

Bosnia and Herzegovina

(General Comment): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

(2019): The Standing Committee on Judicial and Prosecutorial Ethics, Independence and Incompatibility is a committee established by the High Judicial and Prosecutorial Council of Bosnia and Herzegovina. It is authorized to give binding opinions on ethical and incompatibility questions raised by judges and prosecutors. Only the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina are eligible to be appointed the members of the Committee. Currently, the members of the Committee have the following background: 2 judges, 1 prosecutor, 1 lawyer, and 1 law professor who has been appointed as the member of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina by the Parliamentary Assembly of Bosnia and Herzegovina.

Montenegro

(General Comment): The Commission for the Prosecutorial Code of Ethics has a president and two members. The President is elected from among the members of the Prosecutorial Council who is not a state prosecutor, one member is chosen by the extended session of the Supreme State Prosecutor's Office from among state prosecutors, and the other member is the president of the Association of State Prosecutors of Montenegro.

The Conference of State Prosecutors elects the President of the Commission for the Code of Ethics of State Prosecutors. b) Agency for Prevention of Corruption - same as for the judges:

"In accordance with article 7 of the Law on prevention of corruption, "Opinions about the existence of a conflict of interest in the exercise of public function and restrictions in the exercise of public functions and the decisions on the violation of the provisions of the present Law relating to the prevention of conflicts of interest in the exercise of public functions, restrictions in the exercise of public functions, gifts, sponsorships and donations and reports on income and assets by public officials, which are given or adopted by the Agency for prevention of corruption in accordance with the present Law, shall be binding for a public official."

Also, the Article 4 of the same Law defines that "The tasks of prevention of conflicts of public and private 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 body, established by the Parliament of Montenegro, in accordance with the present Law."

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North Macedonia

(2021): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

(2019): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

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Serbia

(General Comment): 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)

(2020): The Ethics Committee (Ethical Board) has been established by a decision of the SPC as an ad hoc work body, with a view to take care of observance of the Code of Ethics of public prosecutors and deputy public prosecutors of the Republic of Serbia.

The Ethical Board is competent to: -Take care on establishment and development of standards of professional ethics of prosecutorial position holders with a view to contribute to strengthening of the rule of law and trust of citizens to performance of prosecutorial duties,

-Undertake activities related to raising awareness on content and significance of professional ethical standards,

-Point to behaviour that is endangering professional ethical standards,

-Propose preventive measures with a view to enhance professional ethics,

-Cooperate with the Commissioner and disciplinary bodies, as well as with other bodies and organizations dealing with issues of professional ethics, -Provide opinion and recommendations, upon the Council request or request of a prosecutorial position holder, -Make reports on performance.

The Ethics Committee has five members, one of which is an elective Council member, three are prosecutorial position holders, and one is a person, who publicly affirmed itself as defender of ethical values (for example, 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. Members of the Ethics Committee may be dismissed by the Council decision, prior to expiration of their tenure or upon their personal request. Method of work of the Ethical Board is being regulated by a special act. The annual performance report is being submitted to the Council by the Ethics Committee. The work of the Ethics Committee is governed by a separate act.

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Question 181

Albania

(General Comment): According to the Law “On the governance institutions of the justice system”, the Ethics Adviser which was appointed during the reference year from High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities

(2019): The Ethics Adviser at High Prosecutorial Council performs the following duties:

- a) give advice, at the request of any prosecutor, on the most appropriate conduct, inside and outside the prosecution or court, on controversial ethics matters;
- b) may seek the opinion of the Council on certain matters concerning the conduct of prosecutors in a general manner, but not with regard to certain persons;
- (c) develop, publish and update continuously an informative manual containing questions and answers on ethical dilemmas based on international standards and best practices and relevant Council decisions;
- ç) takes care, in cooperation with the School of Magistrates, for initial and continuous training on ethics issues;
- d) report in writing, not less than once a year, to the Council on its activities.

Bosnia and Herzegovina

(2022): The High Judicial and Prosecutorial Council of BiH gives opinions and decides on the issues of judicial ethics and compatibility of additional activities with the judicial function through its Standing Committee on Ethics, Integrity and Accountability of Judges and prosecutors, which is competent for examination of submitted requests for opinions. In matters that have already been decided and where ethical practice has already been established, the Standing Committee is authorized to act autonomously on the submitted request, while the decision on contested ethical issues is considered only by the High Judicial and Prosecutorial Council of BiH. According to the analysis of the past practice, 45-50 responses on requests for opinions are submitted annually. The High Judicial and Prosecutorial Council of BiH started publishing in 2022 on its website the above-mentioned opinions in shortened form, as well as answers to the most frequent questions submitted by prosecutors and judges with regards to ethics, integrity and compatibility of other activities with the performance of judicial function.

(2020): The Committee usually meets once per month.

(2019): 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.

The Commission for the Code of Ethics of prosecutors may give the opinion whether a certain behaviour of prosecutor is in line with the Code of Ethics

(2020): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

(2019): As regards to the Opinions of the Agency for Prevention of Corruption, same as for the judges - such Opinions are given at the request of the public official, in this case judge or a prosecutor, and are not public.

North Macedonia

(General Comment): For the purpose of supervision and interpretation of the Ethical Code, an Ethical Council is established, consisting of a president and four members of the public prosecution office.

The president of the Ethical Council is elected by the members of their ranks.

The members of the Ethical Council are appointed and dismissed by the State Public Prosecutor for a period of four (4) years, with a right to another mandate term, within 30 days from the day of adoption of the Code.

One of the candidates for members of the Ethical Council shall be elected on the proposal of the Council of Public Prosecutors from among the public prosecutors - members of the Council of Public Prosecutors , and the rest of the members shall be elected by the State Public Prosecutor.

When appointing the members of the Ethical Council, the principle of equitable and adequate representation of the ethnic communities that are not the majority in the State shall be respected.

The Ethical Council may, at the request of a public prosecutor, give an opinion on the compliance of certain conduct with the Ethical Code.

The procedure for determining violation of the principles of the Ethical Code is regulated by the Ethical Council with a Rulebook, and the working procedure of the Council is regulated by Rules of Procedure.

The Ethical Council gives opinions and recommendations on the complaints about the behavior of the public prosecutors that the applicants consider to be contrary to the Ethical Code, on their own initiative, as well as on the proposal of the superior public prosecutor.

The public prosecutor to whom the complaint relates shall be given a right to reply within eight days.

The Ethical Council shall notify the superior public prosecutor in the prosecution office where the suspected public prosecutor performs the function, as well as the higher level public prosecutor for the complaints he/she considers to be grounded. If it is a matter of grounded complaints against a Public Prosecutor of a Basic Public Prosecution Office, than public prosecutor of the Basic Public Prosecution Office for Prosecuting Organized Crime and Corruption and public prosecutor of the Higher Public Prosecution Office, shall notify the State Public Prosecutor.

(2021): <http://zjorm.org.mk/>

(2019): <http://zjorm.org.mk/>

Serbia

(2020): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

(2019): See the previous question. Moreover, with reference to work of the Ethics Committee based on the filed charges and initiatives related to potential violations of the Code of Ethics, in 2018 and 2019 the Ethical Board proceeded in six cases, 3 of which were related to violation of the Code of Ethics provisions.

Question 181-1

Albania

(2022): The High Prosecutorial Council handled a request of a prosecutor in the general jurisdiction offices to engage as an expert in monitoring the activity of the Special Prosecutor's Office against Corruption and Organized Crime, within the framework of a project implemented by an NPO. According to the law, the prosecutor has the right to participate in off-duty activities related to legal issues, the legal system and the administration of justice.

However, the prosecutor's request was related to the monitoring of the work of the Special Prosecutor's Office for various issues, therefore, this request contradicted the criteria provided for in Article 9, point 1, letter "dh", of the Law "On the status of judges and prosecutors", as amended, where it is stated that, the activities outside the function should not be incompatible with the exercise of the function of the magistrate.

In the "Standards with the Rules of Ethics and the Rules of Conduct of the Prosecutor" have been established some basic principles which aim to increase impartiality during and outside the exercise of the functions of the prosecutor, support the implementation of the highest standards of ethical and professional behaviour, preserve the image of the professional, as well as the appropriate behaviour in the office in court or outside these premises of the prosecutor. In article 5, letters "b" and "ç", of these Rules, related to the principle of impartiality, it is provided that the Prosecutor must: b) avoid any type of behaviour that may create the impression of partiality; ç) avoids situations that can reasonably be perceived as leading to a conflict of interest.

The High Prosecutorial Council assessed that the prosecutor's participation in off-duty activities to monitor the activity of the Special Prosecutor's Office against Corruption and Organized Crime was incompatible with the activity of the magistrate, violates the principles of independence and impartiality of the prosecutor, as well as the principle of avoidance of conflict of interest.

In the same time, the law has provide special bodies such as the High Prosecutorial Council and the Parliament which monitor the activity of the Special Prosecution against Corruption and Organized Crime, as this institution reports to them on its annual activity.

Bosnia and Herzegovina

(2022): Prosecutors' requests for opinions are submitted regarding the permissibility of their participation as educators in seminars, trainings and conferences in the field of justice, as experts on projects to support the judicial community, as lecturers at legal clinics for law students, of membership in law enforcement bodies and committees, and performing these activities for a fee.

Montenegro

(2022): 8 cases regarding the determination of the violation of the Code of Ethics of the state prosecutors are in progress

Question 182

Albania

(General Comment): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors. According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption 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 in the Republic of Albania”, as amended, and is the right to report attempts to influence/corruption on prosecutors/judges through complaints filed by any person to the High Justice Inspectorate.

Also, in cases where there is credible evidence that a prosecutor/judge has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution office.

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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;
- b) a single member of the Council;
- c) the president of the court or prosecution.

(2020): Judge must report any attempt of influence/corruption

(2019): The law provides various mechanisms for reporting attempts on influence/corruption on prosecutors.

According to Article 283, of the Criminal Procedural Code of the Republic of Albania, anyone who has become aware of a criminal offense related to the influence/corruption on prosecutors should report it. In cases determined by law, the report is mandatory. The report is filed orally or in writing before the prosecutor or a judicial police officer, in person or through a representative.

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In cases where there is credible evidence that a prosecutor has committed a disciplinary offense, the complaint is submitted to the High Justice Inspector by the following entities:

- a) the Minister of Justice;
- b) a single member of the Council;
- c) the president of the court or prosecution.

The complaint may contain evidence and data sources of alleged facts and circumstances and retain the right to confidentiality. The High Justice Inspector publishes the complaint form template on his official website, in order to facilitate the submission of complaints. The High Prosecutorial Council takes disciplinary action in accordance with the violation found and if there is evidence of influence/corruption, the prosecutor is subject to a criminal charge.

Also, a special mechanism is set out in Article 42, of Law no. 95/2016, "On the organization and functioning of institutions to combat corruption and organized crime", which provides that, in the National Bureau of Investigation which depends on the Special Prosecution, acts an officer in charge of surveillance. Each month, a ready Special Prosecutor directs, controls, and monitors the officer in charge of surveillance. The responsible officer reports any information that raises reasonable suspicions of corrupt or criminal activity to the Special Prosecutor. If there is a reasonable suspicion that the Special Prosecutor is involved in criminal activity, then the responsible officer reports to any of the Special Prosecutors in the Special Prosecution Office, who appears not to have been involved in the suspicious activity.

Bosnia and Herzegovina

(General Comment): In accordance with Article 17, item 27 of the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

Additionally, all criminal codes adopted at different levels of government in Bosnia and Herzegovina contain chapters dedicated to the protection of judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal codes contain provisions by which obstruction of the judiciary is criminalized (eg. Article 241 of the Criminal Code BiH, Article 339 of the Criminal Code RS, 358, 359, 359a of the Criminal Code FBiH, Articles 352, 353 of the Criminal Code BD BiH) in such a way that attacks, threats or intimidation of a judge or prosecutor in connection with the exercise of judicial or prosecutorial duties are prescribed as criminal offenses.

CRIMINAL CODE OF BOSNIA AND HERZEGOVINA Meaning of Terms as Used in this Code

Article 1 paragraph (3): “An official person means: a person elected or appointed to legislative, executive and judicial office within Bosnia and Herzegovina and other governmental and administrative institutions or services which perform particular administrative, expert and other duties, within the rights and liabilities of the authority who has founded them; a person who continuously or occasionally executes official duty in the mentioned administrative bodies or institutions, an authorised person in a business enterprise or other legal person who has been legally entrusted with the execution of public authorities, who performs certain duties within the frame of the said authority; and other persons who are performing official duties stipulated by law or other regulations based on the law. “

Accepting Gifts and Other Forms of Benefits Article 217 (1) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform within the scope of his official powers official function an act, which ought not to be performed by him, or for the omission of an act, which ought to be performed by him or whoever mediates in such bribing of an official or responsible person, shall be punished. by imprisonment for a term between one and ten years. (2) An official or arbiter or juror judge or responsible person in the institutions of Bosnia and Herzegovina including also a foreign official person or an international official, who demands or accepts a gift or any other benefit for himself or another person or who accepts a promise of a gift or a benefit for himself or another person in order to perform

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Montenegro

(General Comment): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

Articles 44, 45 and 51 of the Law on prevention of corruption defines the whistleblowers institute. Whistleblowers

Art. 44

A whistleblower who has reasonable grounds to believe that there is a threat to the public interest that indicates the existence of corruption may submit an application in accordance with the present Law. For the purpose of the present Law, threatening the public interest shall mean a violation of regulations, ethical rules or the possibility of such a violation, which caused, causes or threatens to cause danger to life, health and safety of people and the environment, violation of human rights or material and non-material damage to the state or a legal or natural person, as well as an action that is aimed at preventing such a violation from being discovered. A person that helps whistleblowers by providing information or otherwise and any other person who can provide reasonable proof of suffering damage because of relation with the whistleblower shall be deemed a party related to the whistleblower.

Person or Entrepreneur

Art. 45

Whistleblowers may submit the application referred to in Art. 44, para 1 of the present Law to an authority, company, other legal person or entrepreneur in which, to their knowledge, there are reasonable grounds for suspecting that there is a threat to the public interest that indicates the existence of corruption. The application referred to in para 1 of this Art. shall be submitted in writing, orally on the minutes, by mail or electronically.

Reporting Threats to Public Interest that Indicate the Existence of Corruption to the Agency

Art. 51

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. Whistleblowers may also submit the application on threats to the public interest that indicate the existence of corruption to the Agency without prior submission to an authority, company, other legal person or entrepreneur to which the application relates. The application referred to in para 1 and shall, in addition to the data referred to in Art. 46 of the present Law, contain information about the authority, company, other legal person or entrepreneur to whom the application relates and a notification on the taken measures referred to in Art. 50, if the notification was delivered to the whistleblower.

The Rules of Procedure of the Prosecutorial Council regulate the procedure for reporting and submitting complaints by prosecutors for jeopardizing their autonomy. These complaints are dealt by the commission formed by Prosecutorial Council on the proposal of the President of the Prosecutorial Council. On the basis of the report by subject commission, the Prosecutorial Council shall decide on complaints. If the complaint is considered with grounds, the Prosecutorial Council shall conduct measures to protect the prosecutor which autonomy is jeopardized.

(2022): explanation in section general comments

(2019): The Judicial Council Inspect complaints of judges and take positions regarding threats to their independence and autonomy. Each judge may address to the Council and indicate whether it exists any form of pressure, influence or any act of corruption that threatens its independence.

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North Macedonia

(General Comment): Criminal code

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.

(7) If, in the course of committing the crime referred to in paragraph (5), severe 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 five years.

(8) The sentence referred to in paragraph (5) of this Article shall be imposed on an official or responsible person who refuses or postpones without any justification the enforcement of an order or a law-based request by a court, public prosecutor or any other competent body or an attorney for collection, keeping or submission of writs, documents or cases, or with the intent to prevent or hinder the substantiation, he conceals, destroys, falsifies or in any other manner makes unusable the writs, documents or cases which may serve as evidence in a procedure before a court or before any other competent body for conducting a procedure regulated by a law.

(2019): Criminal code

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.

(7) If, in the course of committing the crime referred to in paragraph (5), severe 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 five years.

(8) The sentence referred to in paragraph (5) of this Article shall be imposed on an official or responsible person who refuses or postpones without any justification the enforcement of an order or a law-based request by a court, public prosecutor or any other competent body or an attorney for collection, keeping or submission of writs, documents or cases, or with the intent to prevent or hinder the substantiation, he conceals, destroys, falsifies or in any other manner makes unusable the writs, documents or cases which may serve as evidence in a procedure before a court or before any other competent body for conducting a procedure regulated by a law.

Serbia

(General Comment): Law on Prevention of Corruption

IX ACTING UPON COMPLAINTS

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 petition within 15 days from the date of reception of notification.

In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency's actions upon complaint shall be more closely defined by the act of the Director.

(2021): IX ACTING UPON COMPLAINTS

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In case the complaint is not revised within a deadline, it shall be deemed that the applicant has withdrawn from the complaint.

The Agency's actions upon complaint shall be more closely defined by the act of the Director.

(2020): According to the Article 37 of the Law on Anti-Corruption Agency an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations.

It relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

Public prosecutors and deputy public prosecutors as other natural persons are entitled to file criminal complaint for attempt of corruption. Criminal complaint, according to the Criminal Procedure Code, can be submitted in writing, orally, or by other means. If a criminal complaint is submitted orally, a transcript will be made thereof and the submitter will be cautioned about the consequences of false reporting. If the criminal complaint is submitted by telephone or other telecommunications medium an official note will be made, and if the complaint was submitted by electronic mail it will be saved on an appropriate recording medium and printed. Furthermore, there is an electronic form for reporting corruption on the website of the Republic Public Prosecution Office.

(2019): 1. The publication 'Guidelines for the Prevention of undue influence on Judges' was issued and disseminated to all judges in February 2019;

2. The Guidelines on recognising and countering risks of undue influence intended for public prosecutors, deputy public prosecutors and prosecutorial assistants were also published in February 2019. According to the Article 37 of the Law on Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) an official shall promptly notify the Agency of any prohibited influence to which he/she has been subjected in the course of discharge of a public office. The Agency shall notify the competent body of the allegations of the official referred to in paragraph 1 of this Article, to institute disciplinary, misdemeanour and criminal proceedings, in accordance with the Law. Pursuant to the Code of Ethics of the Public Prosecutors and Deputy Public Prosecutors public prosecutors and deputy public prosecutors are obliged to maintain confidence in independence of their function, and in particular to inform the competent state bodies of any unauthorized influence on the work of the public prosecutor's office in accordance with the law and other regulations. It relation to attempt on influence, public prosecutor or deputy public prosecutor are entitled to submitted complaint to the State Prosecutorial Council's Commissioner for independence.

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Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Complaints

Article 65 The Agency shall accept complaints from legal and natural persons, within its purview. The Agency shall not proceed on anonymous complaints. The Agency may request the plaintiff to provide additional information, explanations and documentation.

The Agency shall notify the plaintiff of the outcome of the complaint.

Within its purview the Agency acts upon complaints submitted by natural persons or legal entities indicating corruption related practice in functioning or acting of public authority bodies or public officials. Given that the Agency neither has inspection nor investigative powers, the aim of acting upon complaints is disclosing corruption related irregularities and indicating practice which enables occurrence of corruption. Citizens can submit complaint to the Agency directly, by post and email. Citizens can use the form, which is available at the Agency's website. They can also obtain information from the ACA on submission of complaints as well as status of the ones, which have already been submitted.

Albeit current Law on the ACA envisages that the Agency shall not proceed on anonymous complaints, the Agency proposed this to be changed by the provisions of the new Law on

Kosovo*

(General Comment): According to the Law on disciplinary liability of judges and prosecutors, Article 9:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the “Competent Authority”):
 - 1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
 - 1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
 - 1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
 - 1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
 - 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
 - 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offences of the Chief State Prosecutor.
 2. When the complaint is sent to the non-competent authority, such authority shall transfer the complaint to the competent authority, in accordance with the Law on the General Administrative Procedure.
 3. Natural and legal persons may also submit complaints against a judge or prosecutor to the Ombudsperson.
 4. Natural and legal person shall submit the complaint in writing. The complaint shall state the following:
 - 4.1. the identity of the natural or legal person who submits the complaint;
 - 4.2. the identity of the judge or prosecutor who shall be the subject of investigation;
 - 4.3. a concise description of the factual and legal aspects which give rise to the allegation for a disciplinary offense.
 5. All formal complaints shall be recorded and archived by the respective Competent Authority, which shall immediately provide a written notice to the respective Council on the receipt of such complaint. In case the Ombudsperson receives a complaint, it shall forward the complaint within five (5) working days to the Competent Authority determined in accordance with Article 9, paragraph 1.
 6. The Competent Authority pursuant to Article 9, paragraph 1, shall review the complaint within thirty (30) days from the day it has received the complaint and shall proceed in accordance with Article 12, paragraph 2 unless it determines that the complaint is evidently frivolous, unsubstantiated, not related to a disciplinary offence or subject to statutory limitation. The Competent Authority shall immediately inform the person who has submitted the complaint in writing of its decision. A copy of the decision shall also be submitted to the respective Council, and in cases provided for in paragraph 3 to this Article, also to the Ombudsperson.
 7. Failure by a Court President or the Chief Prosecutor to review and decide on the complaint or to inform the person who has submitted a complaint of the reasons for the dismissal of the complaint as required in paragraph 6 shall be considered a disciplinary offense.
- Link on the law: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336> Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

(2022): According to the Law on disciplinary liability of judges and prosecutors, Article 9:

1. Natural and legal persons may submit complaints against a judge or prosecutor concerning an allegation of a disciplinary offense to the following authorities (hereinafter the “Competent Authority”):
 - 1.1. the President of the Basic Court and Court of Appeals where the judge is employed concerning alleged disciplinary offences of that judge;
 - 1.2. the President of the Supreme Court concerning alleged disciplinary offences of the Presidents of the Basic Courts and the President of the Court of Appeals;
 - 1.3. the Kosovo Judicial Council concerning alleged disciplinary offences of the President of the Supreme Court;
 - 1.4. the Chief State Prosecutor concerning alleged disciplinary offences of Chief Prosecutors;
 - 1.5. the Chief Prosecutor concerning alleged disciplinary offences of prosecutors employed at the prosecution office for which the Chief Prosecutor is responsible;
 - 1.6. the Kosovo Prosecutorial Council concerning alleged disciplinary offences of the Chief State Prosecutor.
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- Link on the law: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=18336> Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by prosecutors involving influence and corruption.

(2021): Article 6 of the Law on Disciplinary Liability to Judges and Prosecutors provides for violations by 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 sends the report to the Council, where the latter holds a hearing and decides whether the alleged disciplinary violation has been committed or not. If it is decided that there is a disciplinary violation, a disciplinary measure is imposed on that prosecutor according to this Law.

(2019): There is no permanent mechanism which reports attempts on corruption on judges or prosecutors. Rather, if there is a complain against a prosecutor or judge concerning an allegation of influence or corruption, respective councils establish a panel which then is responsible to handle the case.

Question 184

Albania

(General Comment): Every intervention made while distributing cases by electronic lot is logged in the system, this means a third party can audit in every moment the procedure of the lot, and see if it has been done according to the rules in place. Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

(2019): Whenever the workload of a judge is considered disproportionate compared to the average, the judge in question is excluded from the random distribution of the cases, by an internal order issued by the president of the court.

Bosnia and Herzegovina

(General Comment): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the 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 of the court president. The law stipulates shorter deadlines for priority cases, so these cases have to be allocated to judges urgently and judges have to start working on them immediately. It is possible to exclude a judge from the allocation for various reasons. Judge can be temporarily excluded due to illness, vacation, longer absence, over load with cases etc.

(2019): The system for distribution of cases in the courts of Bosnia and Herzegovina is organized as random and automatic allocation, in accordance with predefined parameters. Due to the parameters the system for distribution of cases is classified as "other type of allocation". These parameters are prescribed by the decision of the court president and they include specialization of judges and percentage of participation of every judge in the distribution of cases. After these parameters are set, system randomly distributes cases to judges of particular specialization and in accordance with the percentage of each judges' participation in the distribution, but also considering workload of individual judges. The High Judicial and Prosecutorial Council of Bosnia and Herzegovina has adopted the Rulebook on internal court operations and the Rulebook on the Automated Case Management System in Courts.

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Serbia

(2022): Case management systems of court (AVP and SAPS) have implemented functionality for random 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.

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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.

(2019): Automatic allocation with specific allocation of urgent cases. Algorithm allocates urgent case to judges with the least number of urgent cases in work. In eight courts case weighting is implemented as part of pilot project.

Question 185

North Macedonia

(General Comment): Court Rules of procedure

Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this 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.

(2019): Court Rules of procedure

Automatic Redistribution of Cases

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Article 178

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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.

Question 185-1

Albania

(2022): The HJC is yet to collect statistical datas regarding the reported year

Bosnia and Herzegovina

(2022): The relevant legislation on court procedures in Bosnia and Herzegovina prescribes circumstances that call into question his/her impartiality in which a judge cannot adjudicate the case. These circumstances indicate that the judge has a conflict of interest in the individual case and therefore there is a legal base for initiating procedures to prevent or recuse him/her from dealing with the case.

As an example, the judge must not deal with the case if the party, legal representative or authorized agent is his/her blood relative in direct line to any degree or in the lateral line up to fourth degree, or if they are spouses or relatives up to second degree, regardless of whether the marriage has been terminated or not. In addition, as another example, the judge must be taken off the case if it turns out that he/she has participated in the same case in reaching the judgment of the inferior instance court. In conclusion, the legislation on court procedures defines the basis (i.e. aforementioned circumstances that pertain to the conflict of interest) and the procedure for the recusal of the judge. In this regard, the legislation does not refer specifically to the conflict of interest, i.e. the laws do not foresee it as a separate category. However, it is in the law that the recusal of the judges as a legal term comprises all matters related to the protection of the impartiality in the court procedures. Consequently, it is not possible in Bosnia and Herzegovina to differentiate data on the number of reassigned cases for the following category: Recusal of the judge or requested by the parties. In the context of data on the total number of reassigned court cases in 2022 (i.e. 475 394), it is important to take into account that these court cases were redistributed primarily because the judges in charge of these court cases have ceased to work in a particular court (i.e. appointment to another court, retirement, resignation etc.). In addition, courts had to reassign a significant number of cases owing to the longer absence of judges because of sick leave. Finally, harmonizing the burden of judges with court cases in a single court and regrouping judges within the court made it necessary to reassign noteworthy number of court cases.

Question 186

Bosnia and Herzegovina

(General Comment): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment.

Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

(2019): When reassigning the case through the Case Management System it is necessary to select a valid reason for reassignment. Users of system have to select an option from the list of the reasons for obligatory reassignment prescribed by the law, or the alternative option “Other reasons”. When the latter option is selected, a detailed explanation on reasons for reassignment of the case needs to be submitted pursuant to the Article 9 of the Rulebook on the Automated Case Management System in Courts.

Montenegro

(General Comment): Articles 60 and 61 of the Court Rule of Procedure: Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

Article 61

Suspension of case assignment in accordance with Article 60 of these Rules of Procedure for a limited period shall be decided by the President of the court alone or at the proposal of the President of the Division or a judge. The President of 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 he submits to the administrator of the judicial information system and attaches it to the court work plan.

(2019): Articles 60 and 61 of the Court Rule of Procedure:

Article 60

To a judge who, due to justifiable overload or anticipated longer leave (longer than 30 days), is unable to resolve the assigned cases in a timely manner, the case assignment might be suspended for a limited time. In that case, the cases shall be assigned to other judges in the judicial department or legal area on the principle of the random allocation of cases through the judicial information system in accordance with Article 57 of these Rules of Procedure.

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Question 187

Bosnia and Herzegovina

(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from. Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd). Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

(2019): Regarding allocation of cases (assignment):

Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).complex and based on more than one information from new case, and usually with more judges available in pool to select from.

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Montenegro

(2020): Random allocation of cases from Judicial Information System (PRIS).

(2019): Random allocation of cases from Judicial Information System (PRIS).

North Macedonia

(General Comment): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a 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.

(2019): Yes, with exception. Please see article 179, p.2

Court Rules of procedure

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Serbia

(2020): The information about changes of the judge and about the CMS user who has made the change remains recorded in the system.

(2019): The information about changes of the judge and about the CMS user who has made the change remains recorded in the system.

Question 188

Bosnia and Herzegovina

(General Comment): Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system. All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).

Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

(2019): Regarding allocation of cases (assignment):

Priority cases are allocated to judges and prosecutors through automatic allocation algorithm based on specific setup of predefined parameters used for priority cases. This basically means that in courts and prosecutor offices there is always at least one judge or prosecutor determined in advance, who is person on duty for certain period and to whom such cases will be assigned automatically by system.

All other non-priority cases are also allocated to judges through automatic allocation algorithm but setup for this allocation is more complex and based on more than one information from new case, and usually with more judges available in pool to select from.

Both algorithms (for priority and non-priority cases) are always based on court president decision, which is created once per year or more often if necessary.

Regarding reassignment of cases:

All reassignments of cases are processed through the computerized distribution of cases , whether new judge is selected by automatic allocation algorithm (in accordance to predefined parameters) or by court president decision. In every case, reason for reassignment has to be entered in the system by selecting from predefined list of reasons for reassignment and/or adding free text as description. This is why „Yes“ is more appropriate as answer for Q187, with two options selected as explanatory answer in Q188 (2nd and 3rd).

Reassignments of cases can be processed as random and automatic where system will choose from the judges of same specialization, or it can be processed in a way that court president makes a decision and chooses the judge to whom the case will be reassigned.

Montenegro

(General Comment): LAW ON COURTS

(“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 more than three months.

Cases whose urgent nature is prescribed by law may be taken away from a judge if the judge is not able to act in these cases in a timely manner or within the statutory period due to absence or incapacity for work.

The cases shall be taken away by the court president, through a decision.

The decision on taking a case away shall be submitted to the judge or the panel from which the case was taken away.

An objection may be lodged to the president of immediately higher court against the decision on taking the case away, as well as to the

(2019): LAW ON COURTS

("Official Gazette of MNE", no. 11/2015)

Amending Annual Work Distribution

Article 32

The court president may amend the annual work distribution of the court, if:

- 1) The number of positions for judges or the number of judges decreases or increases; or
- 2) The number or type of cases in court significantly increases or decreases.

The annual work distribution of the court shall be amended so that it disrupts the already established annual work distribution of the court as little as possible.

The annual work distribution of the court shall be amended in accordance with Article 31 of the present Law.

Submission and Publication of Annual Work Distribution

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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 more than three months.

North Macedonia

(General Comment): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

3. Automatic Redistribution of Cases

Article 177

The cases allocated to the judge may be reallocated to another judge, after the decision of the president of the court registered in the SU register has been passed, and the reason for the redistribution of case can be: a request for a judge to be exempted (submitted by the parties, the judge, by a decision of a higher instance court, etc.), the judge no longer works on a certain type of case, new judge for a certain type of case has been assigned, absence of a judge for an urgent matter that does not endure postponement of the procedure.

Article 178

After the request for exemption of a judge to whom the case is allocated, the president of the court, after the decision on exemption of the judge, shall adopt a decision for automatic redistribution of the case (in this case, the judges who were excluded in this case do not participate in the automatic distribution).

Upon a request for exemption or sudden absence of a judge, a member of council, the president of the court, by a decision on exemption of that judge, recorded in the register for exemption, shall appoint a judge who will replace the judge who is exempted.

Article 179

In cases when the judge no longer works with a certain type of cases (dismissed, assigned to another department, assigned to another type of cases, longer absence), the court president shall adopt amendments and supplements to the Annual work schedule of the court.

The reallocation of cases in the case under paragraph 1 of this Article may be conducted by awarding all cases to a particular judge (usually a newly elected or rotated judge in that department, a type of case) or if a judge is not appointed, it shall be performed through automatic redistribution of all cases from the judge to all judges in the department who work with this type of cases.

Article 180

Cases recorded in a register for which only one judge is in charge of shall be allocated to the judge with the recording itself.

According to the Law on courts, president of a court shall be dismissed from the office of a president, if in a procedure, the Judicial Council of the Republic of Macedonia establishes the following bases:

failure to apply the provisions regarding the case management and distribution,

- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

(2019): All court cases should be assigned electronically according to the provisions on the Law on case flow management in the courts.

According to the provisions of the Court Rules of procedure, please see the rules for redistribution of cases

3. Automatic Redistribution of Cases

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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.

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failure to apply the provisions regarding the case management and distribution,

- violation of the provisions regarding the adoption and amendment of the Annual schedule for Judges.

Question 190

Albania

(General Comment): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level. However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.

(2019): Please note that the constitution provides that a judge can be an Albanian citizen appointed by the High Judicial Council after graduating the School of Magistrates and after the conduction of a preliminary process of verification of their assets and their background checks, in accordance with the law. Hence, an initial obligation to declare assets, prior to their appointment as judges is provided in the constitution. Further, this obligation is further elaborated in the law on status of judges of prosecutors that provides that judges and prosecutors undergo an assets and background check, prior to their admission to the School of Magistrates, prior to their appointment as judges and prosecutors and every time that they apply for a position at a higher level. However, please note that the obligation to annually declare their (applicable to judges and prosecutors) assets is provided in a special law, namely law on the declaration and audit of assets, financial obligations of elected persons and certain public officials.

Bosnia and Herzegovina

(General Comment): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form.

Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

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Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form.

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Montenegro

(General Comment): Law on prevention of corruption

(2021): Special Law - Law on prevention of corruption

North Macedonia

(2022): Law on prevention of corruption and conflict of interest (Official Gazette No 12/2019)

Serbia

(General Comment): Law on the Corruption Prevention

(2022): Law on the Corruption Prevention

(2021): Law on the Corruption Prevention

(2020): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) and new Law on the Prevention of Corruption (Official Gazette of the RS, No. 35/2019 and 88/2019) that shall become fully applicable as of 1st of September 2020.

(2019): Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) 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

Albania

(2022): <https://www.ildkpkj.al/formulare-t-e-deklarimit-3/>

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation for amending the answer to question 190.

(2019): Please consult the comments made for Q190.

Montenegro

(2022): <https://www.antikorupcija.me/me/korisnicki-servisi/>

North Macedonia

(2022): <https://dsk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>

<https://dsk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>

Serbia

(2022): Added to this questionnaire (unofficial translation)

(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

(General Comment): Article 3/1 of law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, that follows article 3, and it states:

“Article 3/1

Declaration of assets for candidates in different positions in the justice system institutions 1. The following shall have the obligation to declare assets and private interests: a) candidates expressing their interest on Constitutional Court vacancies, in accordance with the provisions of the legislation regulating the governance of the justice system; b) candidates expressing their interest to become High Justice Inspector as well as non-magistrate candidates interested in becoming inspector in the High Justice Inspector Office, in accordance with the provisions of the legislation regulating the governance of the justice system; c) candidates for admission in the initial training of the School of Magistrates as well as graduates that are candidates for magistrate, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ç) candidates for judge and judicial civil servant in the special courts against corruption and organised crime, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; d) candidates for prosecutor, investigation officer, administrative personnel of the Special Prosecutor’s Office, National Bureau of Investigation, as well their close family members, in accordance with the provisions of the legislation regulating the organisation and functioning of institutions against corruption and organised crime; dh) candidates who seek promotion in higher or more specialised levels, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; e) candidates for member of the High Court from the ranks of distinguished legal experts, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; ë) candidates for president of other courts or prosecutor’s offices, in accordance with the provisions of the legislation regulating the status of judges and prosecutors; f) any other person that is subject to the obligation of declaration before candidacy, in accordance with the effective legislation.

2. Candidates for the positions referred to in point 1 of this article, who are subject to the obligation to declare private interests in accordance with the provisions of Article 3 of this law, shall not perform a new declaration, but shall be subjected to full audit of assets. In the event during 180 days prior to the submission of the request, the candidate has already been audited by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests and the audit didn’t prove to be disfavourable for them, then the audit shall be considered as already performed.

3. The High Inspectorate shall perform full audit on the verification of truthfulness and accuracy of the data contained in the declarations of persons referred to in point 1 of this article within 2 months from the submission of the declaration, unless otherwise stipulated by the law. At the end of verification, the General Inspector shall immediately send the relevant verification reports to the relevant institutions.”

Article 3/1 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, specifies the obligation to declare for the candidates for different positions in the justice system.

This article has been added with the amendments made to the law, by law no. 42/2017, dated 6.4.2017, “On some changes and additions to the law no. 9049, dated 10.4.2003 ‘On the declaration and control of the assets, financial obligations of the elected and some public employees’, as amended”.

(2019): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
- b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
- c) Items with special value over 300 000 (three hundred thousand) ALL;
- ç) The value of shares, securities and parts of capital owned;
- d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
- dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
- e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
- ë) Licenses and patents that bring income.
- f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
- g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
- gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
- h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;

Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.

2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

Bosnia and Herzegovina

(2020): The answer to this question has been amended in relation to 2019, according to the explanation for amending the answer to question 190.

Other: Activities of household members in public or private companies, associations, political parties.

Montenegro

(General Comment): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.

2) Data about the public function exercised;

3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:

- Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;

- Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);

- Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;

- Deposits in banks and other financial institutions in the country and abroad;

- Stocks and shares in a legal person or other securities;

- Cash in the amount exceeding € 5,000;

- Rights arising from copyrights, patent and similar rights, intellectual and industrial property;

- Debt (principal, interest and repayment) and receivables;

- Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;

- Membership in the management bodies and supervisory boards of public companies, public institutions and 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website."

(2019): See Article 24 of the Law on prevention of corruption: "The Report shall contain:

- 1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.
- 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.

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The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website."

Serbia

(General Comment): According to the Law on the Corruption Prevention:

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.

(2021): According to the Law on the Corruption Prevention:

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.

(2020): According to the new Law on the Corruption Prevention:

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 of the new Law on the Corruption Prevention through

(2019): The report shall contain the following data:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
- 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
- 4) deposits in banks and other financial organizations, at home and abroad;
- 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use an apartment for official purposes;
- 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Law. ~~New~~ provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 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;

Kosovo*

(General Comment): Other items as described in the form of Declaration of Assets

Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person. Law on declaration, origin and control of assets and gifts, Articles 6 and 25.

(2022): Further elaboration can be found in the Law on declaration, origin and control of assets and gifts, Articles 6 and Article 25.

(2019): Others mean: any other function that the Judge might be engaged; and his/her financial debt to any legal or natural person.

Question 194

Albania

(General Comment): Article 7 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, sets out the provisions regarding the annual periodic declaration:

“Article 7

Annual Periodic Declaration

1. Periodic declarations shall only include the changes to the previously declared assets, financial obligations, and private interests, in accordance with Article 6 of this law, those appearing during the declaration year and any earned income and declarable expenditure carried out during the year being declared.
2. The declarations prior to the beginning of duty, according to Article 5/1 of this Law, and the declaration after leaving office, according to Article 7/1 of this Law, shall be specific instances of the periodic declaration.
3. All officials and other persons related, who have the obligation to declare, shall be obliged to present their declaration, by March 31 of each year, to the authority or responsible structure of the public institution contemplated in the legislation applicable to the prevention of conflict of interests in the exercise of public functions.
4. When the official transfers the rights of active ownership of shares or parts of the capital, according to the provisions of the legislation applicable to the prevention of conflict of interests in the exercise of public functions, in the periodic declaration, as long as this situation continues, they shall only declare the status of such rights before the transfer and the earning from property they effectively received during the year for which the declaration is made.
5. For the purpose of declaration before taking office, annual periodic declaration, or after leaving office, according to the above points of this article, the persons related to the officials who have the obligation to make a declaration shall include only the spouse, cohabitant, and their adult children.”

Article 9 of the law no. 9049, dated 10.4.2003 “On the declaration and control of the assets, financial obligations of the elected and some public employees”, as amended, sets out the provisions regarding the declaration on request:

“Article 9

Declaration on Request

1. The Inspector General shall have the duty to request the declaration of assets and private interests and the sources of their creation, according to the requirements of this Law, as well as to order the inspection of the accuracy of these declarations even for individuals, or natural and legal persons, when, from the verifications made, it turns out that the latter are persons related to entities that have the obligation to declare periodically.
2. The definition of a related person, pursuant to point 1 of this Article, shall also apply to a trustee, as defined in the legislation applicable to prevention of conflict of interests in the exercise of public functions, as well as to the cohabitants as defined by the Family Code.
3. The Inspector General, for the purpose of verifying the declaration of income, in accordance with the legislation applicable to income tax, shall send to the Minister of Finance and the General Director of Taxation information about the list of individuals who result as persons related with the declaring entities that have the obligation to declare, according to point 1 of this Article.”

Bosnia and Herzegovina

(2020): Other: The financial statement forms are submitted as soon as one is appointed judge or prosecutor. Subsequently, the judicial office holder submits the form each year.

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

(2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.

(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

A significant change exists when there has been an increase or decrease in the assets or income which, according to the preceding Report, exceed the average annual salary without taxes and contributions in the Republic of Serbia, or when there is a change to the structure of said assets.

(2021): According to the Law on the Corruption Prevention:

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2020): According to the new Law on the Corruption Prevention: IN accordance with Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 69 - the person whose public office has terminated shall be bound, two years after 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): According to the Article 7 of the Law on declaration of assets:

The declaration of assets by the declaring entities is made in the following cases:

1.1. declaration upon assumption of duty;

1.2. regular annual declaration;

1.3. declaration after termination or dismissal from public office.

2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Other: at the request by the Anti-Corruption Agency

(2022): According to the Article 7 of the Law on declaration of assets:

The declaration of assets by the declaring entities is made in the following cases:

1.1. declaration upon assumption of duty;

1.2. regular annual declaration;

1.3. declaration after termination or dismissal from public office.

2. In cases where the declaring subject moves from one declaring position to another declaring position, there is no obligation to make the declaration upon taking office. The same should only make the declaration regular annual as provided by this law.

Question 195

Albania

(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

(2019): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Montenegro

(General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household.

(2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

North Macedonia

(General Comment): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- 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 prescribed form.

(2019): Article 82, paragraph 2 from the Law on prevention of corruption and conflict of interests

(2) The declaration referred to in paragraph (1) of this Article shall contain:

- a detailed inventory of real estate, movables with a value exceeding the amount of twenty average net salaries in the previous three-month period, securities, receivables and debts, as well as other property in his/her possession, or ownership of the members of his/her family, stating the basis for acquiring the declared property;
- a statement of interest for him/her and his/her family members, which contains information on jobs and membership in management boards, membership in associations and foundations, and other data required by the prescribed form.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *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.

(2021): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *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 associated persons.

(2020): According to the new Law on the Corruption Prevention:

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. *Note: According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. Note-According to the Article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Moreover, one of the significant novelties of the Law on Corruption Prevention is the legal extension of the circle of associated persons, i.e. associated person shall be a family member of the public official, blood relative of the public official, i.e. lateral blood relative to the second degree of kinship, as well as natural person or legal entity who may, on other bases and circumstances, be reasonably assumed to be associated in interest with the public official (please see the definition of 'associated person' as prescribed by art. 2 (1) (6) of the Law).

Kosovo*

(General Comment): According to Article 14 of the Law on Declaration of Assets:

Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.

2.The family members for whom the declaring entity declares the assets, are as follows:

- 2.1. spouse;
- 2.2. extramarital spouse;
- 2.3. parents; and
- 2.4. children.

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

(2022): According to Article 14 of the Law on Declaration of Assets:

Declaring subjects are obliged to declare the assets of the family members with whom he lives in a family community.

2.The family members for whom the declaring entity declares the assets, are as follows:

- 2.1. spouse;
- 2.2. extramarital spouse;
- 2.3. parents; and
- 2.4. children.

(2019): 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 members are declared in the same declaration form.

(2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

(2019): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Question 198

Albania

(General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

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 data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Montenegro

(2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the web page of the Agency for Prevention of Corruption.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, during 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to higher level of transparency in the selection of officials whose reports will be subject to verification procedure. In addition, in 2022 the Agency adopted Guidelines for Drafting Annual Verification Plan.

(2022): financial discrepancies (unusual change in assets, liabilities, income, etc.) *Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

(2021): Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance to Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance to Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

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Note: Annual Verification Plan: According to the new Law on the Corruption Prevention, the Agency, when drafting the Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be

Kosovo*

(General Comment): The Agency verifies the content of each asset declaration. "Unexplained financial discrepancies ": article 18 § 11 of the Law on declaration, origin and control of assets and gifts refers to the control of discrepancies in the data of the assets from the previous year. Besides, § 2 of article 18 specifies that the control of the declarations implies also checking data against information from previous forms.

(2019): Yes, the Agency verifies the content of each assets declaration.

Question 199

North Macedonia

(2022): http://www.dsk.org.mk/imoti_2/

Question 200

Albania

(General Comment): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

(2022): Asset declarations are made public upon requests coming from citizens, NGO, Media and for the period, 2014 - 2022, approximately 66,204 copies of declaration forms were made publicly available. During the year 2021, 3,553 declarations were made publicly available, while during 2022, 4,271 declarations were made publicly available. In general declarations are made public through requests coming from citizens, NGO, and Media, which can be submitted through the official email address or in writing to HIDACCI. Through the processing of such requests hard copies of the requested declaration forms are provided in compliance with the provisions of the laws on the right of information and the protection of personal data. These declarations are usually published in open data sources such as Open Data Albania. However as of 2022, with the implementation and improvement of the new online declaration system (EACIDS) which is now fully functional for declaration purposes, the publication of all the declarations is possible through this system for public access.

(2021): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are made public upon requests, coming from citizen, NGO, Media and for the period, 2014- 2018, approximately 41,261 copies of declaration forms were made publicly available. While from 2019, approximately 10,937 asset declarations were made publicly available. HIDAACI has published during 2020 in total 6,182 declarations. Request can be submitted online or in writing to the appropriate contact point (designated contact point for this purpose) of HIDACCI.

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Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

(2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Montenegro

(General Comment): www.antikorupcija.me

(2022): <https://www.antikorupcija.me/me/registri/>

(2019): www.antikorupcija.me

North Macedonia

(General Comment): http://www.dsk.org.mk/imoti_2/

(2022): http://www.dsk.org.mk/imoti_2/

(2021): http://www.dksk.org.mk/imoti_2/

(2019): http://www.dksk.org.mk/imoti_2/

Serbia

(2019): <http://www.acas.rs/pretraga-registra/>

Kosovo*

(General Comment): It is published on the Website of the Anti-Corruption Agency and in the internal database of the Agency

(2019): It is published in the Website of the Anti-Corruption Agency and in the internal database of the Agency

Question 201

Albania

(General Comment): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment”.

Disciplinary sanction , Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”.

(2019): Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL”

Criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment”

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Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 58 (List of Measures)

(1) The Council may impose one or more of the following disciplinary measures:

(a) A written warning which shall not be made public;

(b) Public reprimand;

(c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;

(d) Temporary or permanent reassignment to another court or prosecutor’s office;

(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

(2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training.

(3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

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However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

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Montenegro

(General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts.

(2022): Other disciplinary sanction: The sanction for non-declaration of assets is a sanction is related to the serious disciplinary proceedings which can result with fine in amount of 20-40 percent of monthly income from 3 to 6 months or prohibition of promotion.

(2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

North Macedonia

(General Comment): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

3. Serious disciplinary offence

Article 75

(1) A more severe disciplinary violation for which a procedure for establishing a judge's responsibility is instituted shall be considered as:

- 1) severe violation of public order and peace and other more serious forms of misconduct that violates the reputation of the court and his/her reputation;
- 2) gross influence and interference in the performance of the judicial function of another judge;
- 3) if he refuses to file a statement of assets and interests according to law or if his statement contains gross inaccuracies or
- 4) 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.

(2019): One of the disciplinary sanctions in the Law on courts is dismissal (article 75, p.1, line 3)

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- 4) 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.

Serbia

(General Comment): Types of Measures Article 82

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).

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2021): Types of Measures Article 82

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.

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According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of 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 article 101 - an official who, contrary to the provisions of this Law, fails to report property to the Agency or providing false information on property, with an intention to conceal facts about the property, shall be punished by imprisonment for a period of six months to five years.

(2019): With regard to warnings:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations. 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.

Kosovo*

(General Comment): According to the Law on declaration, origin and control of assets and gifts, Article 28:

The Agency is competent to impose punitive measure against the declaring entities in the following cases:

1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;

1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;

1.3. failure to file the regular annual declaration of assets upon termination of the mandate under Article 10 of this Law;

1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.

2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.

3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.

4. In case the declaring entity does not fulfil the obligation, even after the imposition of the fine, but not later than fifteen (15) calendar days from the day when they had to fulfil the obligation under paragraphs 1.1 to 1.4 of this Article, then the Agency shall file a criminal report with the relevant prosecution office.

5. The court, in case of sanctioning the declaring entity in criminal proceedings, shall take into consideration the fine imposed by the Agency. According to Criminal Code: Article 430

Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations

1. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who fails to do so, shall be punished by a fine or by imprisonment of up to three (3) years. The offense in paragraph 1. of this Article is deemed committed when the deadline for filing the declaration has passed and no report has been filed.

2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.

3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

(2022): According to the Law on declaration, origin and control of assets and gifts, Article 28:

The Agency is competent to impose punitive measure against the declaring entities in the following cases:

- 1.1. failure to file the regular annual declaration of assets upon appointment under Article 8 of this Law;
 - 1.2. failure to file the regular annual declaration of assets under Article 9 of this Law;
 - 1.3. failure to file the regular annual declaration of assets upon termination of the mandate under Article 10 of this Law;
 - 1.4. failure to comply with the request of the Agency for providing information or other supporting documents, under Article 19 of this Law.
2. The Agency shall impose, after the expiration of the term, a fine on each declaring entity who fails to fulfil their duties under sub-paragraphs 1.1 to 1.4 of this Article.
3. The fine imposed pursuant to paragraph 2 of this Article shall be imposed in the rate of up to thirty percent (30%) of the net monthly salary of the declaring entity, but in no case shall this amount exceed the threshold of five hundred (500) Euro.
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2. Any person, obligated by law to file a declaration of property, income, gifts, other material benefits or financial obligations, who falsifies or omits data or required information on the required declaration shall be punished by a fine and imprisonment of six (6) months to five (5) years. Fines imposed under this Article may be daily and may be imposed until the perpetrator complies with the final order, ruling, decision or judgment that is the subject of the action.
3. The value of the non-reported or the falsely reported property, income, gifts, or other material benefits shall be confiscated.

Question 202

Albania

(2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the   Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. 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 declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

(2020): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

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5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets; (d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

(2019): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Bosnia and Herzegovina

(2022): The cases are pending.

(2020): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

(2019): There were no proceedings against judges according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2022): Misdemeanour proceedings:

During the reporting period, 4 misdemeanor proceedings were initiated against former judges for failing to submit assets declaration 30 days after termination of office and one year after termination of office, and 3 proceedings for failing to submit regular annual asset declaration. 2 were completed, others are ongoing. The outcome of these misdemeanour proceedings was 2 warnings.

Administrative proceedings:

In the reporting period, administrative proceedings were initiated against 2 judges related to the submission of reports with incorrect and incomplete data in 2021.

Data on administrative procedures initiated due to the submission of reports with incorrect and incomplete data in 2022 will be known by the first quarter of 2023.

In 2022, decisions were made that 70 judges (69 from 2021 and 1 from 2022) did not submit accurate and complete data in the regular annual report for 2020.

Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

(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

(2020): Number of cases initiated:

9 administrative procedures initiated (1 out of 9 initiated in 2019)

5 misdemeanour proceedings initiated

Number of cases completed:

8 administrative procedures completed 5 misdemeanour proceedings completed Number of sanctions pronounced:

In 2 administrative procedures against judges, violation of the law has been established – APC's Decisions forwarded to the authority which appoints the judges – pending feedback on the disciplinary measures imposed by the authority 5 misdemeanours proceedings ended in 4 reprimands and 1 fine

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 Court.

(2019): Source: Agency for Prevention of Corruption

North Macedonia

(2020): According to the Law on fight against corruption and conflict of interests, from a total of 17 cases, in 7 cases the procedure has been completed with issuing on a misdemeanour payment order, which were paid on time. For the other 10 cases, where the misdemeanour payment order was not paid, a misdemeanour procedure will be initiated in front of the misdemeanour commission in SCPC.

Serbia

(2022): 57 measures of reprimand and 1 fine of 30000 RSD

Kosovo*

(2019): One case was completed during 2019, which was initiated in 2018, meanwhile, in December 2019, after the completion of the full control procedure, 6 cases were initiated against judges regarding the declaration of assets.

Question 203

Bosnia and Herzegovina

(General Comment): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form. Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2021): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form. Currently, the Law on the HJPC is subject to the legislative procedure aimed at amending the provisions on asset declaration.

(2020): After launching a legislative Initiative to amend the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina so as to include the provisions for declaring the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes the procedures and high standards of transparency for financial statements of judges and prosecutors in BiH, which primarily stipulates the obligations, the manner of and the deadline for filing the statements, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basis for and the manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. The application of the Rulebook was foreseen as of 1st January 2019 for the financial statements of judges and prosecutors for 2018.

After the administrative dispute initiated by the Association of Judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data in a manner prescribed by the Rulebook, the HJPC issued a decision postponing the application of the Rulebook until the completion of an 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. Considering that the HJPC's suit was rejected by the Court of BiH and the decision of the Agency for Protection of Personal Data in BiH confirmed, the Rulebook was annulled in February 2020. 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 2019 using an earlier financial statement form.

(2019): After launching a legislative Initiative to amend the HJPC Law including proposals of provisions for reporting on the assets and interests of judicial office holders, the HJPC in September 2018 adopted the Rulebook on the Submission, Verification and Processing of the Financial Statements of Judges and Prosecutors and a new Financial Statement Form (the Rulebook).

The Rulebook establishes procedures and high standards of transparency for the financial reporting of judges and prosecutors in BiH, which includes primarily the obligations, manner and timing of reporting, information on sources and the manner of acquisition of financial assets, as well as information on their relatives employed in the judiciary. These rules provide for an active role of the HJPC in ensuring the electronic submission, monitoring, processing and verification of personal financial statement data, including the basics and manner of cooperation with competent authorities, as well as their publication on the HJPC website in accordance with the applicable legal framework in BiH regulating access to public information and ensuring privacy and protection of personal data. Application of the Rulebook was foreseen as of 1st January 2019 and referred to the submission of the financial statements of judges and prosecutors for 2018.

Considering that in the administrative procedure initiated at the request of associations of judges in BiH, the Agency for Personal Data Protection in BiH prohibited the HJPC from processing personal data on a manner prescribed by the adopted Rulebook, the HJPC issued decision by which the application of the Rulebook was postponed indefinitely, that is until the completion of the administrative dispute initiated by the HJPC's suit before the Court of BiH against the decision of the Agency for Protection of Personal Data in BiH. Temporarily, in order to comply with the Article 86 of the Law on the HJPC, the financial statements of judges and prosecutors for 2018 were submitted by previously used Financial Statement Form.

Montenegro

(General Comment): Law on prevention of corruption

(2021): Law on prevention of corruption

North Macedonia

(2022): Law on prevention of corruption and conflict of interest (Official Gazette of North Macedonia No. 12/2019)

Serbia

(General Comment): According to the Law on the Corruption Prevention:

VII. PROPERTY DISCLOSURE REPORT

Regular property disclosure report

Article 68

A public official shall, within 30 days from the date of election, appointment or nomination, submit to the Agency the report on his/her property and income (hereinafter referred to as: the Report), 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 state on the date of election, appointment or nomination.

A public official, who, upon termination of public office is immediately re-elected, reappointed or renominated, shall not file the Report again, if there are no changes to the data provided in the previous Report, but shall be bound to inform the Agency thereof, within 30 days from the date of re-election, reappointment or renomination.

The Report shall also be filed by a person whose public office terminated, within 30 days from the date of termination of public office, according to the state on the date of termination of public office.

Extraordinary property disclosure report

Article 69

If the property or income of a public official significantly change in the previous year, the public official shall file the Report to the Agency according to the state on 31 December, of the previous year, and prior to the expiry of deadline for the filing of the annual tax return for determining taxes to citizens' income.

Significant change shall exist if property or income were increased or decreased, according to the prior Report, or if exceeding the average annual salary without taxes and contributions in the Republic of Serbia or if the structure of such property has changed.

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.

(2022): Law on the Corruption Prevention

(2021): Law on Prevention of Corruption

(2020): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

(2019): Law on the Anti- Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019) (New Law on the Corruption Prevention that shall become fully applicable as of 1st of September 2020 (Official Gazette of the RS, No. 35/2019 and 88/2019)).

Question 205

Albania

(2022): <https://www.ildkpkj.al/formularet-e-deklarimit-3/>

(2021): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

(2019): Attached you may find a Declaration Form (annual/periodic), approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests

Bosnia and Herzegovina

(2020): The attached declaration of assets form has been changed in relation to 2019, according to the explanation for amending the answer to question 203.

(2019): Please consult the comments made for Q203

Montenegro

(2022): <https://www.antikorupcija.me/me/korisnicki-servisi/>

North Macedonia

(2022): <https://dksk.mk/wp-content/uploads/2021/12/anketenlistNMK.pdf>
<https://dksk.mk/wp-content/uploads/2021/12/promenanaimotnasostojbaNMK.pdf>

Serbia

(2022): added to this questionnaire (unofficial translation)

(2021): Yes, added to the previous questionnaire but only in Serbian.

Kosovo*

(2022): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

(2021): https://akk-ks.org/deklarimi_i_pasuris/172/formulart/172

Question 206

Albania

(General Comment): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
 - b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
 - c) Items with special value over 300 000 (three hundred thousand) ALL;
 - ç) The value of shares, securities and parts of capital owned;
 - d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
 - dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
 - e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
 - ë) Licenses and patents that bring income.
 - f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
 - g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
 - gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
 - h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;
- Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.

2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

(2022): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

(2021): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, e.g., for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

(2020): The subjects are obliged to declare to the High Inspectorate of the Declaration and Audit of Assets and Conflict of Interests, by March 31st of each year, the situation of their private interests inside and outside the territory of Albania, the sources of their creation, and their financial obligations up to December 31st of the previous year, as follows:

- a) immovable properties and the real rights over them according to the Civil Code;
 - b) movable properties that can be registered in the public registers and the real rights over them according to the Civil Code;
 - c) Items with special value over 300 000 (three hundred thousand) ALL;
 - ç) The value of shares, securities and parts of capital owned;
 - d) The amount of liquidity, situation in cash outside the banking system, in current account, deposits, treasury bonds and loans, in ALL or foreign currency;
 - dh) Financial obligations to natural and legal persons, expressed in ALL or in foreign currency;
 - e) Personal income for the year, from the salary or participation in boards, commissions or any other activity that brings personal income;
 - ë) Licenses and patents that bring income.
 - f) Gifts and preferential treatments, including the identity of the natural or legal person from whom come or are created the gifts or preferential treatments. The gifts or preferential treatments are not declared when their value is less than 10,000 (ten thousand) ALL, and when two or more gifts or preferential treatments given by the same person, together, do not exceed this value during the same period of declaration;
 - g) Engagements in private activities for profit or any kind of activity that generates income, including any kind of income created by this activity or this engagement;
 - gj) Private interests of the entity, corresponding, containing, based on or derived from family or cohabitation relations;
 - h) Any declarable expenses, worth over 300,000 (three hundred thousand) ALL, carried out during the declaration year;
- Private interests of other types, different from those specified in Article 4 of this Law, may be required to be declared periodically, if it is possible and appropriate for subcategories of interests within these types, determined by order of the Inspector General.

2. Subjects specified in Article 3/1 of this law, shall be obliged to declare – to the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests – their private interests, their sources, as well as their domestic and out-of-country financial obligations, in compliance with Article 5/1 of this law and in accordance to the timeframes stipulates by the effective legislation.

(2019): Except above mentioned, must be declared any expenses incurred in the amount of over 300,000 ALL, eg. for education, health care, vacation, rent, etc., and the total of the annual expenditure by declaring savings, as appropriate.

Bosnia and Herzegovina

(2020): The answer to this question has been amended in relation to 2019 Questionnaire, according to the explanation for amending the answer to question 203.

Montenegro

(General Comment): Data Reported

Art. 24

The Report shall contain:

- 1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.
- 2) Data about the public function exercised;
- 3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
 - Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
 - Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
 - Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
 - Deposits in banks and other financial institutions in the country and abroad;
 - Stocks and shares in a legal person or other securities;
 - Cash in the amount exceeding € 5,000;
 - Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
 - Debt (principal, interest and repayment) and receivables;
 - Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
 - Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.

The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.

A public official shall enter the data referred to in para 1 in the Report form.

The Report form shall be established by the Agency and published on its website. Submission of Reports

Art. 25 A public official shall submit the Report to the Agency electronically, and in writing.

(2019): See Article 24 of the Law on prevention of corruption: "Art. 24

The Report shall contain:

- 1) Personal data of a public official and family household referred to in Art. 23, para 1 of the present Law, as follows: name and surname, Unique Master Citizen Number, permanent or temporary residence, address, education and occupation, and for the public official also the father's name, mother's name and mother's maiden surname.
 - 2) Data about the public function exercised;
 - 3) Data on assets and income of the public official and family household referred to in Art. 23, para 1, and especially on:
 - Ownership rights over immovable assets and lease rights over immovable assets for a term exceeding one year, in the country and abroad;
 - Ownership rights over movable assets whose value exceeds € 5,000, or that are required to be registered with the competent authorities (motor vehicles, vessels, aircrafts, etc.);
 - Ownership rights over the immovable and movable assets of a company, institution or other legal person owned or established by the public official;
 - Deposits in banks and other financial institutions in the country and abroad;
 - Stocks and shares in a legal person or other securities;
 - Cash in the amount exceeding € 5,000;
 - Rights arising from copyrights, patent and similar rights, intellectual and industrial property;
 - Debt (principal, interest and repayment) and receivables;
 - Sources and amount of income from the exercise of scientific, educational, cultural, artistic and sports activities;
 - Membership in the management bodies and supervisory boards of public companies, public institutions and other legal persons with a share of capital owned by the state or municipality, as well as in scientific, 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 access to data on bank accounts and accounts of other financial institutions, in accordance with the law governing banking operations.
- The consent referred to in para 2 shall refer to the period in which the obligations of a public official are valid in accordance with the present Law.
- A public official shall enter the data referred to in para 1 in the Report form.
- The Report form shall be established by the Agency and published on its website."

Serbia

(General Comment): 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) 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 protocol or another appropriate gift. These gifts are not being

(2022): gift form added to the previous questionnaire

(2020): According to the new Law on the Corruption Prevention:

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 Article 41 of the Law on Anti-Corruption Agency and Article 62 of the new Law on the Corruption Prevention through compulsory reporting and maintaining of gift records. Detailed explanation is in the answers for the Indicator 8.4 Conflicts of

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Content of the Report

Article 46

- 1) property rights on real estate at home and abroad;
- 2) property rights on movable property subject to registration with the competent authorities in the Republic of Serbia
- 3) property rights on movables of high value (valuables, valuable collections, art collections, et al.);
- 4) deposits in banks and other financial organizations, at home and abroad;
- 5) shares and interests in legal entities and other securities; 6) rights deriving from copyright, patent and similar intellectual property rights;
- 7) debts (principal, interest and repayment period) and receivables;
- 8) source and amount of income from discharge of public office, or public functions;
- 9) entitlement to use an apartment for official purposes;
- 10) source and amount of other net incomes; 11) other public functions, jobs or activities discharged in accordance with the Law and other special regulations; 12) membership in civic association bodies;
- 13) all other data and evidence deemed by the official as relevant for the implementation of this Law. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Content of the Report

Article 71

- 1) name and surname;
- 2) public office;
- 3) unique personal identification number;
- 4) place of residence and temporary place of residence;
- 5) telephone number and electronic mail address;
- 6) other job, activity and membership in bodies of associations;
- 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;

Kosovo*

(General Comment): Article 6 of the Law on declaration, origin and control of assets and gifts.

Question 207

Albania

(General Comment): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

(2021): Another declarations of assets from prosecutors is the Periodic/Annual Private Interest Statement, 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

(2019): Also, another declaration of prosecutors is the Periodic/Annual Private Interest Statement, who is declared during each year (annual/periodic) of exercising their function. Declaration Forms are approved from the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests.

Montenegro

(General Comment): Article 23 of the Law on Prevention of Corruption : Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report. During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

(2019): Article 23 of the Law on Prevention of Corruption :

Submitting the Report on Income and Assets

Art. 23

A public official shall, within 30 days of assuming the function, submit the Agency with a Report on Income and Assets, as well as on assets and income of married and common-law spouse and children, if they live in the same household (hereinafter: the Report), according to the state of play on the day of election, appointment, or assignment.

A public official shall provide the accurate and complete information in the Report.

During the exercise of a public function, a public official shall submit the Report:

- Once a year, by the end of March of the current year for the previous year;
- In the case of changes from the Report that relate to an increase in assets of more than € 5,000, within 30 days of the date of change;
- At the request of the Agency in the case of initiation of proceedings referred to in Art. 31, para 1 and 2, within 30 days of receipt of the request, or initiation of proceedings ex officio.

In the case of termination of public function, a public official shall, within 30 days of termination of the function, notify the Agency thereon and submit the Report.

A public official whose function has terminated shall annually, over the next two years after termination of the function, submit the Report to the Agency, according to the state of play on the day of submitting the Report.

When moving to another public function, as well as in the case of election, appointment, or assignment to another public function, the public official shall, pursuant to Art. 12, para 2 and 4 of the present Law, notify the Agency thereon within 30 days of the change.

The obligation to submit Report and the procedure of verification of the data from the Report shall also apply to civil servants who are obliged to submit the Report in accordance with a special law.

North Macedonia

(General Comment): Law on prevention of corruption and conflict of interests (2019)

Reporting changes in assets and interests

Article 85

(1) An elected or appointed person and a responsible person in a public enterprise or other legal entity disposing of state capital, notary, enforcement agent or administrative officer of category A determined by law or a person employed in the cabinet of the President of the Republic of Macedonia, the President of the Assembly of the Republic of the Republic Macedonia, the Vice-Presidents of the Assembly of the Republic of Macedonia, the President of the Government of the Republic of Macedonia, the Deputy Prime Ministers of the Government of the Republic of Macedonia, the Ministers and the Secretary General of the Government for the performance of tasks of a special adviser, shall be obliged within 30 days to report any increase in his/her property i.e. the property of a member of his/her family, in a value that exceeds the amount of twenty average net salaries in the Republic of Macedonia the previous three-month period, as well as change of interests (hereinafter: reporting changes in the assets and interests). (2) The obligation referred to in paragraph (1) of this Article shall also apply to the persons referred to in Article 83 of this Law.

(3) An agreement or other document that is the basis for the change shall be attached to the report referred to in paragraph (1) of this Article.

(4) The persons referred to in paragraph (1) of this Article shall report the changes in the assets and interests by electronic submission of a form on changes in property situation and interests to the State Commission. A printed copy of the electronically filed form shall be submitted to the State Commission.

(5) The persons referred to in paragraph (2) of this Article shall report changes in their assets and interests by submitting a printed form for declaration of property situation and interests to the authorities in which they are employed.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2020): According to the new Law on the Corruption Prevention:

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after the termination of public office, file the Report according to the state on 31 December of the previous year, and prior to the expiry of the deadline for filing the annual tax return, at the latest, for determining the citizen's income tax, under the condition that such property and income have change significantly, compared to the previous year.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to Article 44 - an official whose public office terminated is required to file the Report on significant changes relative to data from the previous Report on an annual basis and over a period of two years following the termination of public office. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance to Article 69 - the person whose public office has terminated shall be bound, two years after 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): Article 7 of the Law on declaration, origin and control of assets and gifts.

"Other": Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal.

(2021): Annual declarations of assets, declarations of assets at the request of the Anti-Corruption Agency, declarations of assets after the end of the mandate or dismissal

Question 208

Albania

(General Comment): In accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

(2021): accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions

(2020): n accordance with article 21 and 22 of the special law, the declaration of assets includes the assets of the subject and his family (husband / wife, cohabitant and adult children), the sources of creation and financial liabilities of the entity. The declaration shall also include the fact whether the declarant has or does not have any other related persons.

When the property of the members of the family is divided and registered as such in the bodies of the state or judicial administration, the declaration is submitted separately by each member of the family, with the property registered in his/her own name, and it is attached to the declaration of the subject who has the obligation to make the declaration. The member of the family and the person related to the declaring subject is legally liable for the authenticity and accuracy of the declared data. Spouses and adult children have an obligation to declare assets the same as the judge or prosecutor. On the special form, there is a separate section for the spouse and the adult children that is signed by them, and if there are any assets that 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 rests with the judge or the prosecutor since, in any case, if the children would have any assets under their name, they would be acting as legal representatives for that asset, and therefore such interests would have to be declared. However, this is a very rare situation, since, in the most cases, underage children are unable to enter into legal transactions.

(2019): Also, the declaration involves other familiars of the prosecutor listed on the family certificate at the moment of submitting the declaration.

Bosnia and Herzegovina

(General Comment): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2022): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

(2019): The financial statement shall include information about spouses and children who are part of the same household and hold shares in or participate in the management of private or public corporations and associations, including political parties.

Montenegro

(General Comment): Article 23 of the Law defines that the report shall include assets and income of married and common-law spouse and children, if they live in the same household

(2019): Article 23 of the Law defines that the report shall consist assets and income of married and common-law spouse and children, if they live in the same household.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they 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 associated persons.

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. * According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 43 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household. New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 68 a public official is obligated to submit to the Agency the report on his/her property and income and the property and income of the spouse or common-law partner, as well as of the minors if living in the same household.

* According to the article 76 of the new Law on the Corruption Prevention the Agency may request from the associated persons to directly submit data on their properties and incomes, if in the procedure of verification of property status of the certain officials it is suspected that they conceals the real value of their property. According to the current law, the Agency could request only from the officials to submit data on the assets of associated persons.

Moreover, one of the significant novelties of the Law on Corruption Prevention is the legal extension of the circle of associated persons, i.e. associated person shall be a family member of the public official, blood relative of the public official, i.e. lateral blood relative to the second degree of kinship, as well as natural person or legal entity who may, on other bases and circumstances, be reasonably assumed to be associated in interest with the public official (please see the definition of 'associated person' as prescribed by art. 2 (1) (6) of the Law).

Kosovo*

(General Comment): Article 14 of the Law on declaration, origin and control of assets and gifts.

Other family members:

Parents who live in the same household

Adult children who live in the same household

(2019): Adult children who live in the same household

Question 209

North Macedonia

(General Comment): There is not separate declaration form for the family members, the data for the family members are declared in the same declaration form.

(2021): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

(2019): There is not separate declaration form for the family members, the data for the family members is declared in the same declaration form.

Question 210

Serbia

(General Comment): The Agency for Prevention of Corruption of the Republic of Serbia. The Agency is an autonomous and independent state authority, operational since 2010, with preventive, control and supervisory competencies. The bodies of the Agency are the Director and the Council of the Agency. Following a public competition announced by the Ministry in charge of judicial affairs, the Director shall be elected by the National Assembly, by a majority vote of all deputies. A member of the Council of the Agency shall be also elected by the National Assembly, by a majority vote of all deputies, following a public competition announced by the Ministry in charge of judicial affairs.

Question 211

Albania

(General Comment): Article 25/1

Complete audit of the declaration of assets and private interests

1. The complete audit to verify the authenticity and accuracy of the data contained in the declaration of assets and private interests shall be carried out:

- a) every 2 years for the President of the Republic, members of Parliament, Prime Minister, Deputy Prime Minister, Minister, Deputy Minister, Constitutional Court judge, judge of the High Court, member of the High Judicial Council, members of the High Prosecutorial Council, General Prosecutor, Head of the Special Prosecutor's Office, Head of the National Bureau of Investigation, High Justice Inspector, and inspectors of the High Inspectorate of Justice, the Chairman of the High State Audit, Ombudsman, members of the Central Election Committee, members of the regulatory bodies and competition protection bodies, the Governor of the Bank of Albania, Deputy Governor and members of its Supervisory Board;
- b) every 3 years for prefects, mayors, and heads of regional councils, the civil servants of high-management level of public administration, officials of high management level of customs and tax administration, judges of appeal, prosecutors of the Special Prosecutor's Office, prosecutors of Appeal and General Prosecutor's Office, as well as judicial police officers of the National Investigation Bureau;
- c) Every 4 years for the heads of state institutions, central or local, and members of collegial bodies of these institutions not included in the above letters of this point.
- ç) Every 4 years for all judges of the court of first instance and prosecutors of the judicial district of the first instance;
- d) Every 5 years for other officials not included in the above letters.

Points 2 and 3 are abrogated

4. The complete audit or re-audit of the declaration shall be carried out by the Inspector General, when they have data from legitimate sources, questioning the authenticity and accuracy of the data contained in the declaration of an official, and when there is a discrepancy resulting from the arithmetic and logical audit, showing that the sources do not cover or do not justify the property rights of the declaring entity.

5. The complete audit and administrative investigation conducted by the High Inspector shall be completed within 6 months after its start, which may be prolonged in compliance with the requirements of the Administrative Procedure Code.

Montenegro

(2019): During 2019, 8149 reports were submitted, submitted on various grounds. Submission of the Report is made in the way that it is submitted in electronic and printed version, therefore only report submitted in this way is considered valid, after which it is being published on the official web page of the Agency for Prevention of Corruption.

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

(2021): unexplained financial discrepancies (unusual change in assets, liabilities, income, etc.) - Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check.

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have available, in which public officials are holding public office. The Agency shall extraordinarily verify the accuracy and the completeness of data from the Report, if doubting that accurate and complete data were reported in the Report.

In accordance with Article 76 in the course of procedure of verification of property status, the Agency shall assess whether there lies a discrepancy in-between the data from the Report and the actual state of affairs or discrepancy in-between the increase value of the property and the reported incomes. In case of discrepancy, the Agency shall summon a public official or a person from Article 68, paragraph 1 of this Law, to state on the reasons for discrepancy, within 15 days. If, in the course of verification of the Report, there is doubt that a public official is concealing the actual value of his/her property or income, the Agency may request from the associated persons to directly file data on their property and incomes, within 30 days from the date of reception of the request. In case a discrepancy is determined, the Agency shall notify the competent body, for the purpose of undertaking measures within its purview. The body from paragraph 4 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 Annual Verification Plan, will take into account the category of public officials, the amount of their receipts and the amount of funds from the budget of the authority in which they perform the function, thus defining criteria that will be applied in the preparation of the Annual Verification Plan. This will contribute to the higher level of transparency in the selection of officials whose reports will be subject to verification procedure.

(2019): With regard to unexplained financial discrepancies - Note: Only for declarations of assets in Annual plan for checking reports on assets and incomes of officials and for declarations of assets in Extraordinary check. See the text below.

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 48 the Agency checks due filing of Report and accuracy and completeness of information. The Agency checks as mandatory the accuracy of information in the Report pursuant to the Annual Verification Plan schedule for a certain number and category of officials. To carry out the checks specified in paragraphs 1 and 2 of this Article, the Agency may request from competent authorities to obtain data from financial organizations, business companies and other persons.

In accordance with Article 49 if discrepancy revealed in the oversight procedure of the property of the official between the data presented in the Report and actual status or a discrepancy between the increased value of the property of the official and his/her lawful and reported income, the Agency shall establish the cause of such discrepancy and notify the body wherein the official holds office, i.e. other competent bodies. The Agency may request the official to submit information on property and income of other associated persons within 30 days if there is reasonable doubt that the official is concealing the real value of his/her property. In the case referred to in paragraphs 1 and 2 of this Article, the Agency shall summon the official or an associated person in order to obtain information on the real value of the property of the official. The bodies specified in paragraph 1 of this Article shall, within three months of receiving the notice, notify the Agency of the measures taken.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 75 the Agency shall verify the accuracy and completeness of data contained in the Report, as well as the timeliness of submission of the Report, according to the annual plan of verification, issued by the Director. The Annual Verification Plan shall be rendered based on the previous analysis of the Agency, whereby particular attention shall be paid to the category of public officials, the amount of their earnings and the amount of the financial funds from the budget that bodies of public authority have 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.

Question 212

North Macedonia

(2022): http://www.dksk.org.mk/imoti_2/

Question 213

Albania

(2020): HIDAACI pursues an open and transparent policy with citizens, media and civil society, aiming to strengthen the bridges of cooperation between them and the institution, always in compliance with the requirements of the law “On the right to information” and protection of personal data when receiving and handling requests for information. Asset declaration are 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.

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Bosnia and Herzegovina

(General Comment): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

(2022): Only with the consent of judges and prosecutors, their declarations of assets are published on the website of the HJPC BiH.

Montenegro

(General Comment): www.antikorupcija.me

(2022): <https://www.antikorupcija.me/me/registri/>

(2021): <https://www.antikorupcija.me/me/registri/>

(2019): www.antikorupcija.me

North Macedonia

(General Comment): http://www.dksk.org.mk/imoti_2/

(2022): http://www.dskk.org.mk/imoti_2/

(2021): http://www.dskk.org.mk/imoti_2/

(2019): http://www.dskk.org.mk/imoti_2/

Serbia

(2022): <https://publicacas.acas.rs/#/acas/obrazacZaPrijavuImovineIPrihoda>

(2021): <http://www.acas.rs/pretraga-registra/>

(2020): <http://www.acas.rs/pretraga-registra/>

(2019): <http://www.acas.rs/pretraga-registra/>

Kosovo*

(General Comment): It is published on the website of the Anti-Corruption Agency and also in the internal database of the Agency

(2021): Anti corruption agency web page

(2019): It is published in the website of the Anti-Corruption Agency and also in the internal database of the Agency

Question 214

Albania

(General Comment): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below:

a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or 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” disciplinary sanction, Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”.

(2019): Fine, Article 40/1 of the law no.9049/2003 provides that “1. Any violation of the obligations set forth in this Law, when it does not constitute a criminal offense, shall constitute an administrative contravention and shall be punishable by a fine, according to the limits specified below: a) For failure to declare before taking office, annually periodically, upon leaving office, or upon request, on time and without good cause, the official or the person related to him, who has the obligation to declare, shall be fined from 200,000 (two hundred thousand) ALL up to 500,000 (five hundred thousand) ALL” criminal sanction, Article 257/a/1 of the Criminal Code “Refusal for declaration, non-declaration, concealment or false declaration of assets, private interests of elected persons and public employees, or of any other person that is legally binding for the declaration” provides that “The refusal or failure of the elected persons or public servants or any other person being subject to the legal obligation to make the declaration in accordance with the law to declare the assets shall, where disciplinary measures have previously been taken, consist a criminal offence and it shall be punished by a fine or up to 6 months imprisonment” disciplinary sanction, Article 15 of the Law no.9049/2003 provides that “The High Inspectorate of Declaration and Audit of Assets and Conflict of Interests shall convey to the bodies responsible for investigating disciplinary violations a reasoned report accompanied by the documentation related to the verified irregularities pertaining to the declared assets”

Bosnia and Herzegovina

(General Comment): Non-declaration of assets is not prescribed in the law explicitly as a disciplinary offence for the judicial office holder. However, non-declaration of assets is considered to be an offence for which any disciplinary measure can be imposed depending on the circumstances of an individual disciplinary case. The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 58 (List of Measures) (1) The Council may impose one or more of the following disciplinary measures: (a) A written warning which shall not be made public; (b) Public reprimand; (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year; (d) Temporary or permanent reassignment to another court or prosecutor's office; (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office. (2) As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programmes, counselling, or professional training. (3) All rights and privileges under labour relations of a judge, Court President, Chief Prosecutor, Deputy Chief Prosecutor, or prosecutor who is removed from office pursuant to a disciplinary proceeding shall cease upon removal by the Council. A judges or prosecutor who is removed from office under this article shall be barred from further exercise of judicial or prosecutorial function.

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(e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

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Montenegro

(General Comment): The Agency for Prevention of Corruption (APC) brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority acting upon the decision of the APC may initiate administrative proceedings and impose sanctions such as disciplinary sanctions. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

Moreover, based on its findings, the Agency for prevention of corruption has the authority to initiate misdemeanor proceedings before misdemeanor courts. Other disciplinary sanction: sanctions are those that can be imposed for heavy disciplinary offence: fine in amount of 20-40 percent of monthly income for the period of 3 to 6 months or prohibition of promotion.

(2019): Agency for Prevention of Corruption brings the decision about which it informs the public authority in which public official is working, for the purposes of initiating procedure of dismissal, suspension or imposition of a disciplinary measure. The public authority informs the Agency for prevention of corruption about the results of this proceeding, in the deadline of 60 days.

North Macedonia

(General Comment): Article 91 from the new Law on Public Prosecution office prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

- salary reduction in the amount of 15% to 30% of the monthly salary of the public prosecutor for a period of one to six months, and
- a dismissal.

(2021): Article 91 from the new Law on Public Prosecution office from 2020 prescribed that, non submission on declaration of assets is a serious disciplinary violation. According to article 95 from the same law, when this type of violation is established, one of the following disciplinary measures may be imposed:

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- a dismissal.

Serbia

(General Comment): Types of Measures Article 82

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).

According to the Law on the Corruption Prevention:

According to article 101 a public official who, contrary to the provisions of this Law, fails to report assets and income to the Agency, or provides false information on assets and income in order to conceal information on assets and income, shall be punished by a prison term of six months to five years.

(2020): Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of 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:

According to article 101 - an official who, contrary to the provisions of this Law, fails to report property to the Agency or providing false information on property, with an intention to conceal facts about the property, shall be punished by imprisonment for a period of six months to five years.

(2019): With regard to warning:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

Measures

Article 51

Measures which may be pronounced against an official due to a violation of this Law are caution and public announcement of recommendation for dismissal. The measure of caution and the measure of public announcement of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement of recommendation for dismissal, i.e. initiative, within 60 days of pronouncing the measure.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

Types of Measures Article 82

A public official may be pronounced a measure of caution or measure of public announcement of recommendation of dismissal from public office. Notwithstanding paragraph 1 of this Article, a public official elected directly by citizens, as well as a person whose public office has terminated, may be pronounced a measure of caution or a measure of public announcement of of the decision on violation of this Law.

When pronouncing measures, all circumstances of the case shall be considered, and in particular the weight and the consequences of violation of this Law as well as the possibility of eliminating the violations. Requirements for Pronouncing Measures

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With regard to Fine:

Kosovo*

(General Comment): According to Article 430 of the Criminal Code "Failure to report or falsely report assets, income, gifts, 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. "

(2022): According to Article 430 of the Criminal Code "Failure to report or falsely report assets, income, gifts, 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. "

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Question 215

Albania

(2022): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions

in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets;

(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

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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 and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their

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For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Bosnia and Herzegovina

(2019): There were no proceedings against prosecutors according to the information provided by the Office of Disciplinary Council of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina.

Montenegro

(2022): Misdemeanour proceedings. In the reporting period, 2 misdemeanor proceedings were initiated against former prosecutors due to failure to submit asset declarations 30 days after termination of public office. 1 was completed, other is ongoing. The outcome of these proceedings was 1 fine in the amount of 300 euros

Administrative proceedings:

Also, in the reporting period, proceedings were initiated against 35 prosecutors related to the submission of reports with incorrect and incomplete data in 2021. Data on administrative proceedings initiated due to the submission of asset declarations with incorrect and incomplete data in 2022 will be known by the first quarter of 2022; Authorities did not act in accordance with the Article 42 of the Law on Prevention of Corruption in none of the aforementioned decisions.

(2021): The number on proceedings related to prosecutors is not final, since the verification process for the 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 groups.

(2020): Number of cases initiated

4 administrative procedures initiated and 2 misdemeanour proceedings initiated Number of cases completed

4 administrative procedures completed 2 misdemeanour proceedings completed Number of sanctions pronounced

In 1 administrative procedure the violation of the law has been established – the APC's Decision was forwarded to the Prosecutorial Council which initiated disciplinary procedure against the prosecutor, the procedure is still ongoing.

2 misdemeanour proceedings against prosecutors ended in 1 reprimand and 1 fine

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.

(2019): Source: Agency for Prevention of Corruption

North Macedonia

(2020): In a total of 10 cases SCPC issued a misdemeanour payment orders. Because, they were not paid on time, a misdemeanour procedure in front of the SCPC misdemeanour commission was raised for this cases. The procedure is on going.

Serbia

(2022): 7 measures of reprimand

Kosovo*

(2019): During 2019, 3 cases were initiated against prosecutors which were concluded due to the lack of evidence.

Question 217

Albania

(General Comment): 1. Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule.

2. The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations.

3. The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind.

4. Law no. 96/2016 date 6.10.2016 art. 9.

(2022): Regulation/procedure for recusal/withdrawal from a case – article 72-75 Civil Procedural Code + Article 15-22 Criminal Procedural Code;
Regulation on combining the profession of a judge with other functions/professional activities Article 9 of the Law no 986/2016 “On the status of judges and prosecutors in the Republic of Albania

(2021): <https://www.ildkpk.al/legjislacioni-section2-en/?lang=en> law on conflicts of interes provides rules on 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

(2019): 1.Any official, in the exercise of his powers or in the performance of his public duties on the basis of his recognition and in good faith, is obliged to make a preliminary declaration, case by case, of the existence of his private interests, which may give rise to the a conflict of interest. Declaration of interest case of private interests Submitted every time by the official, when requested by superior or by superior creation. Declaration, as a rule, is required and made in advance. When this it is not possible or when it has not happened, the declaration can be requested and made as soon as possible possible. Self-declaration or declaration upon request is done as a written rule

2.The magistrate who certifies that there are conditions of conflict of interest shall submit to the court president a request for waiver of the relevant case and allegations

3.The official cannot accept gifts given to him because of his position by a private individual, natural or legal person when this may give rise to a conflict. Only cases specified by acts of the competent authorities that allow it are excluded acceptance of preferential gifts or treatments for protocol reasons interest of any kind

4.Law no. 96/2016 date 6.10.2016 art. 9

Bosnia and Herzegovina

(General Comment): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.2 A judge shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the judge to be disqualified from hearing or deciding cases.

2.2.a In evaluating reasons for recusal from a case, in order to avoid every perceived, potential of actual conflict of interest, a judge should take into account in particular all of their previous duties and activities performed prior to taking the judicial office.

2.2.b A judge who intends to terminate their judicial function or who knows that their function will be terminated by force of law or by the HJPC's decision, shall not use their judicial function or judicial resources to promote their future activities and in this regard, they shall bear in mind the potential existence of grounds for recusal.

2.2.c If a judge knows that his/her family member or other person close to him/her has a financial, political or other interest in a case that he/she adjudicates, the judge should request to be recused. This implies that a judge should take reasonable steps to be informed about financial, political or other interests of his/her family members.

Regulation on receiving gifts:

THE CODE OF ETHICS FOR JUDGES ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A judge and members of the judge's family, shall neither ask for, nor accept, any gift, bequest, loan or favour in relation to anything done or to be done or omitted to be done by 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 benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the judge in the performance of judicial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a judge with other functions/professional activities:

THE LAW ON HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA

Article 82

(General Prohibition against Incompatible Functions)

(1) A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial

(2019): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

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(1) A judge or prosecutor shall not engage in any function that is incompatible with or could be seen to interfere with the fair and impartial execution of judicial or prosecutorial

Montenegro

(2019): Regarding regulation on receiving a gift - Code of Ethics for judges

Judge must not allow that the members of his family hired in court or any other person submitted to the authority of judicial competence accepts the gift, loan or a favor for what the judge in performing his duty would be obliged to do or did.

In case that a gift, favor or other benefit was made in contrary to his will, judge will right upon the acknowledgement about it, inform in the written form, stating the circumstances in which gift or benefit was made, the president of the court or the state prosecutor if by such action elements of the criminal offence were made. The judges will do the same way in case there is an attempt to give a gift or do a favor.

North Macedonia

(General Comment): Regulation on reporting a potential conflict of interest

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.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;

(2019): Law on prevention of corruption and conflict of interest Procedure before the State Commission for Determining of a Conflict of Interest

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(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
 - instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;
- or

Serbia

(General Comment): In accordance with Article 42 of the Law on the Corruption Prevention: 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 the 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 an 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 paragraphs 1 and 6 hereof do not exclude the application of provisions on exclusion prescribed by other laws.

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.

According to the Law on Corruption Prevention:

This procedure will be regulated in accordance with Article 45 and Article 46 of the new Law on Corruption Prevention (these articles are copied within answer for question 216).²

(2022): Notifying the Agency

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 the 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.

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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.

A Catalogue of Gifts

Article 66

Using the data from the record of gifts, the Agency shall publish a Catalogue of Gifts on its website.

The Catalogue of Gifts shall be published by 1 June of the current year for the previous calendar year.

(2021): In accordance with Article 42 of the Law on the Corruption Prevention: 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.

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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:

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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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

(2020): In accordance with Article 42 of the new Law on the Corruption Prevention: 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.

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A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

(2019): With regard to Regulation/procedure on reporting a (potential) conflict of interest:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have.

A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurement, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article.

Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this 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.

With regard to Regulation on receiving gifts:

Currently in force provisions of the Law on the Anti-Corruption Agency:

In accordance with Article 39 of the Law on Anti-Corruption Agency an official may not accept gifts in connection to the discharge of public office, except for protocol or other appropriate gifts which may not be in money or securities.

An official is required to hand over the protocol gift to the body competent to manage property in public ownership, unless the value of the gift does not exceed 5% of the value of the average monthly net salary in the Republic of Serbia.

An official may not retain an appropriate gift the value of which exceeds 5% of the average monthly net salary in the Republic of Serbia, i.e. appropriate gifts received during a

Kosovo*

(General Comment): According to Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Agency for Prevention of Corruption 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. Article 20, par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function stipulates that: Institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

(2019): According to the Law No. 06/L-011 on Prevention of Conflict of Interest in Discharge of a Public Function, the Anti-Corruption Agency is the central authority and responsible for supervising the implementation of the provision of this law. The law itself regulates the whole procedures of conflict of interest, the identification of conflict of interest and the source of information, obligation for prevention and resolutions of conflict of interest, restrictions on high officials in the exercise of other activities in addition to public function, Incompatibility with the discharge of public functions etc. In violation of Article 20 par. 3 of the Law on Prevention of Conflict of Interest in Discharge of a Public Function, institutions within their internal regulations, prescribe and implement specific rules in order to prevent conflict of interest, depending on the field of activity of such institution.

Question 218

Albania

(General Comment): Article 9 of the Law no 986/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;

d) if the remuneration for the extra- office activity includes any kind and form of payment, financial reward or compensation that does not exceed normal commercial terms, dh)are not incompatible with the exercise of the magistrates' function or is not prohibited according to this Law. 2. The magistrate shall, except in the event of scientific publications or training, be prohibited to use the title of the magistrate beyond his function, while taking the measures that also third parties do not use his title in these activities.

3. A magistrate may write, publish, lecture, teach on legal issues and participate in activities concerning the legal issues, the legal system, the administration of justice or related matters, in accordance with the provisions of paragraph 1 of this Article. 4. Before starting the accomplishment of a remunerated extra office activity under the provisions of this Article, the magistrate shall notify the Council and submit the necessary documentation on:

a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.

5. Before accepting an assignment to undertake a remunerated extra office activity, the magistrate must obtain the consent of the relevant Council.

6. The Council shall decide within three weeks upon receipt of the request and the complete documentation and grant the consent if the proposed activity, and any remuneration for its performance, satisfies the requirements of paragraph 1 and this Article. If the Council does not express itself by way of a decision within three weeks upon receiving the request and the complete documentation and neither notifies the interested person, or does not make a decision to extend the time period, the request shall be deemed approved, in accordance with the provisions of the Administrative Procedure Code. 7. A magistrate shall notify the chairperson on non-remunerated extraoffice activities which do not fall under the scope of powers of the Council, where the magistrate:

a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;

8. The chairperson shall report annually to the respective Councils at least on the nature and number of hours on the non-remunerated extra office activities of a magistrate of the respective court or prosecution office.

9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

(2022): Article 9 of the Law no 986/2016 "On the status of judges and prosecutors in the Republic of Albania" stipulates that: 1. A magistrate may undertake an extra-office activity only if these activities: a) are consistent with the dignity of the exercise of the function; b) do not lead to a perception of bias or partiality in the performance of the function. c) do not conflict with essential office interests, thus not impacting the timing and efficient fulfilment of the functions. In any case, the remunerated extra-office activity, including the preparatory work for carrying out this activity, shall not exceed 200 hours during and beyond the office hours per year; ç) do not conflict with the purpose wherefore the workload has been reduced;

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a) describing the nature and duration of the extra office activity; b) establishing the remuneration rate for these activities; c) establishing the workload at the court or prosecution office, the overall workload at the court or prosecution office and the timely delivery of the duties in the previous twelve months.

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a) acts as representative of the judicial system or the prosecution service; b) makes general public statements about matters that affect the judiciary or the prosecution service; c) participate in discussions on questions of law;

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9. The Councils shall, within January each year, publish on the official website and forward a grounded written report on the remunerated extra-office activities of magistrates, including the remuneration or reward, benefited during the preceding calendar year and the respective market worth to the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests and the tax administration authorities. The respective institutions shall co-operate with the Councils for the determination of the normal commercial rates. 10. Based on the principle of equity and proportionality, the Council shall establish more detailed rules on the extra office activities

Montenegro

(2019): According to the Constitution of Montenegro, a judge cannot perform a post or other public function or professionally perform any other activity. At the request of a court president or judge, the Judicial Council gives an opinion on whether certain activities shall be considered as a professional performance of an activity incompatible with the performance of a judicial function. The judge who performs scientific, educational and artistic activities as well as activities protected by copyright shall not be deemed to professionally perform other activity within the meaning of the Constitution.

North Macedonia

(General Comment): The Law on the courts

Article 52

- (1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.
- (2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
- (3) The judge cannot be a member of a managing or supervisory board of a trade company or another legal entity established for the purpose of gaining profit.
- (4) The judge may be an educator or may deliver lectures in the Academy for Judges and Public Prosecutors and in a higher education institution and may participate in scientific projects.
- (5) The judge for the period while teaching as an educator at the Academy for Judges and Public Prosecutors, may perform the judicial function in a reduced amount, in accordance with the law.
- (6) The Judge must not use his office or the reputation of the court to accomplish his personal interests.
- (7) The judge cannot be a member or hold a political office within a political party or carry out political or party activity.

Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 “(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law.”

(2019): The Law on the courts

Article 52

- (1) The judicial office is incompatible with the office of a member of the parliament, that is, member of a council in the municipality, that is, the City of Skopje, and the offices in state bodies, the municipality and the City of Skopje, except for cases provided by law.
- (2) The judge cannot hold any other public office or practice a profession, except an office determined by law which is not contrary to his/her independence and autonomy in the exercise of the judicial office.
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Law on prevention of corruption and conflict of interest – Article 44 paragraph 6 “(6) Official person may earn income from scientific, teaching, cultural, artistic and sporting activities and from copyrights, patents and similar rights, intellectual and industrial property, unless otherwise stipulated by law.”

Serbia

(General Comment): A judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law. The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours. A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

Judges can perform duties of a mediator but not in the dispute where they acted as a judge.

(2022): Scientific activity and cultural activities with and without remuneration

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 for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

(2021): Scientific activity and cultural activities with and without remuneration

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 for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

(2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (judge) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit an request for consent in accordance with the provisions of Article 49 in conjunction with Article 45 paragraph 1 if it is a function within a body of cultural and other associations (except professional). In connection with research, publications, ie mediation, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

(2019): According to Law on Judges a judge may not hold office in authorities which enact regulations, in executive public authorities, public services, and bodies of autonomous provinces and local self-management units; may not be members of political parties, engage in public or private paid work, provide legal services or provide legal advice for compensation. By exception, a judge may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the High Judicial Council, pursuant to another law.

The High Judicial Council shall determine the offices and engagements that are contrary to the dignity, violate the autonomy, or damage the reputation of a court in accordance with the Ethical code. A judge may outside office hours engage without explicit permission in paid educational and scientific activities. In cases determined by the law, a judge may perform educational and scientific work during working hours.

A judge shall notify in writing the High Judicial Council of each service or engagement that may possibly be incompatible with the judicial function. The High Judicial Council shall inform the president of the court and the judge of the incompatibility of service or work with the judicial function. The President of the Court shall file a disciplinary complaint as soon as he/she learns that the judge performs a service or business or makes procedures that could be incompatible with his function.

Under the Art 33 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” No. 55/2014), which is applicable since 1 January 2015, Serbian judges may mediate outside of working hours of the court but may not be paid for their services as mediators. Instead, pursuant to the amendments and supplements to the Rulebook on the Criteria, Standards, Procedures and Authorities for Evaluating the Work of Judges and Court Presidents (“Official Gazette of RS”, no. 81/2014, 142/2014, 41/2015 and 7/2016) which are applicable from 15 July 2015, new criteria in evaluating judges’ quantity of work have been introduced: two cases which are concluded with an agreement on resolving the dispute through mediation are counted as one case solved on the merits.

Kosovo*

(2020): They can teach both with or without remuneration and can conduct research too.

(2019): They can teach both with or without remuneration, and yes, they can conduct research too.

Question 219

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 220

Montenegro

(2022): Law on Judicial Council and judges

Opinion on other Activities

Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

A judge, who performs scientific, educational or artistic activity, as well as activities protected by copyright, shall not be deemed to professionally perform other activity within the meaning of the Constitution

(2019): Law on Judicial Council and judges

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Article 102

At a request of the court president or judge, the Judicial Council shall issue an opinion on whether certain activities are deemed professional performance of activities that are incompatible with the exercise of judicial office.

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Question 221

Bosnia and Herzegovina

(2022): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 222

Albania

(General Comment): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

(2019): In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor’s office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
 - (b) The degree of responsibility;
 - (c) The circumstances under which the disciplinary offence was committed;
 - (d) The previous work and behaviour of the offender; and
 - (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

Montenegro

(2019): ✓ “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 interests.

(2022): Law on prevention of corruption and conflict of interests.

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

(2019): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

(2019): Law on the Anti-Corruption Agency (New Law on the Corruption Prevention). Article 90 of the Law on Judges prescribes that accepting gifts contrary to the regulations governing conflict of interest is a disciplinary offence. Disciplinary proceedings are conducted against the judge, in accordance with the provisions of the Law.

Kosovo*

(General Comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

(2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

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- 1.1. ex officio;
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Question 223

Albania

(General Comment): Please briefly describe the procedure: Please note that civil procedure code and criminal procedure code have been checked because they regulate the recusals of judges in civil or criminal proceedings and the procedure for doing so.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this law under the "law on judges" tick. However, please be advised that this law in question 232 has been reported in the section "other, please specify" because, under the similar section includes "law on public prosecutors/public prosecution". In Albania these are two different law: law on the status of judges and prosecutors, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

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Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 56.) being engaged in activities that are incompatible with the judicial function represents disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

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Montenegro

(General Comment): see provisions of the Law on Prevention of Corruption in related sections

Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law.

Law on Misdemeanors regulates misdemeanor proceedings in general, which also applies when the proceedings initiated for the breach of Law on Prevention of Corruption

(2022): see provisions of the Law on Prevention of Corruption in related sections

Law on Judicial Council and Judges defines disciplinary offence such as use of function for a private interests, interests of family members or closed related persons and for accepting the gifts or not providing an information on property and incomes. Disciplinary proceedings is regular procedure conducted by the Disciplinary prosecutor and before the Disciplinary Council, in accordance with the law

(2019): v “law on prevention of conflict of interest” - Title of the law is Law on prevention of corruption.

North Macedonia

(General Comment): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

(2022): Law on prevention of corruption and conflict of interests.

(2021): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

(2019): In our country the full name of the Law is Law on prevention of corruption and conflict of interests.

Serbia

(General Comment): In accordance with 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 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 law.

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(2020): Please briefly describe the procedure:

In accordance to articles 40-56 of the Law on the Corruption Prevention, the Agency aims to eliminate causes of corruption through procedures for resolving conflict of interest, decumulation of public officers, and decision on other legal violations. In accordance to articles 78, 80 and 82-85 of this Law, should it be determined, after the procedure, that a violation of the Law has taken place, measures stipulated by the law shall be issued. The aim of these measures is to eliminate such violations as far as this is possible. Thus the cases which have led or may lead to corruption are eliminated. The measures and decisions of the Agency 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 law.

(2019): Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance to 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 of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which elected, appointed or nominated the official. The competent body shall notify the Agency of the measures it has taken in view of the pronounced measure of public announcement

Question 224

Albania

(General Comment): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. 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 and Buildings, GDT, GDPML, General Maritime Directorate, Electricity Power Distribution Operator, etc.). During the audit process, depending on its progress, as well as the need to obtain additional information, HIDAACI proceeded with the further delivery of correspondence with public and private legal entities. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their

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(d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Bosnia and Herzegovina

(General Comment): Judges were held liable for disciplinary offence “not disqualifying himself or herself from hearing a case when a conflict of interest exists”. In one case because of a failure to disqualify when related to the party in the proceeding, and in another for a failure to disqualify when deciding upon employment of relatives.

(2019): The numbers included in the table refer to disciplinary procedures initiated against judges in the reference year.

Montenegro

(2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.

In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

In the remaining two cases, the procedure is ongoing.

(2020): The difference in figures between 2019 and 2020 (increase of number of procedures initiated) is due to the fact that in 2020 the State Audit Institution (SAI) submitted a request (which refers to 28 persons) referred to the representatives of the judiciary regarding the negative opinion in the analysis of the work of the Judicial Council for 2019, which was published by the State Audit Institution. By implementing the legal competencies prescribed by the provisions of the LPC, the Agency performed a comparative analysis of the data, i.e. detailed verification of data and incomes for 28 persons for whom the SAI indicated that their actions could violate the provisions of the law in terms of obtaining compensation for work in commissions and councils formed by the Judicial Council. The Agency acted on the request and made decisions as stated.

(2019): Source: Agency for Prevention of Corruption

Note: There have been two cases initiated in Montenegro and completed by the Agency for Prevention of Corruption but currently under appeal in front of the Administrative Court. Considering that only final decisions are counted as completed we have indicated 0 under completed cases, as these two cases are still pending before the Administrative Court.

Serbia

(2022): 2 measures of reprimand

(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)

Kosovo*

(2019): During 2019, the Anti-Corruption Agency initiated and reviewed 11 conflict of interest cases for judges. In all these cases the conflict of interest was avoided and no further proceedings were necessary.

Question 226

Albania

(General Comment): There is legislation in force which directly prohibits the conflict of interests of the 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 the prosecutor's performance are:

- a) ... reports of the High Inspectorate of Declaration and Audit of Assets and Conflict of Interests;
- b) the number of cases in which prosecutors have been expelled due to a conflict of interest.

Also, according to Article 102, of the Law “On the status of judges and prosecutors”, as amended, disciplinary violations in the exercise of office shall be the actions, omissions or behaviours of the magistrate, as follows: p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

In Article 7 of 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:

1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-

(2022): The following laws are related with the prevention of conflict of interest of prosecutors:

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”, as amended
4. Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended
5. Decision nr. 26, dated 22.02.2019, “On the activities out of function of the prosecutors”, of 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", of High Prosecutorial Council
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 High Prosecutorial Council

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:

.....

- c) 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;
 - c) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;
 - d) when any of his relatives or spouse has been harmed or damaged by the criminal offense;
 - dh) when a relative of his or her spouse performs or has performed the functions of a prosecutor in the same proceeding;

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 - ç) when there are disputes between him, his spouse or any of his relatives with the defendant or one of the private parties;
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1. Every official, in the exercise of his powers or in the performance of his public duties, on the basis of his recognition and in good faith, is obliged to make a preliminary, on a case-by-case basis, of the existence of his private interests, which may cause to arise a conflict of interest.
2. The case-by-case declaration of private interests shall be made at any time by the official when so requested by the superior or by the superior institution. The declaration, as a rule, must be sought and made in advance. Where this is not possible or where this has not happened, the declaration may be requested and made as soon as possible.
3. Self-declaration or declaration upon request shall be made as a rule in writing when the official is involved in a decision-making on an act. Written declaration is not necessary where the official's verbal statements are recordable and documented, according to procedures established by law and / or in the internal regulations of the public institution where the official exercises his or her functions.

Bosnia and Herzegovina

(General Comment): Regulation/procedure on reporting a (potential) conflict of interest: THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 85 (Opinions on Activities of a Judge or Prosecutor)

A judge or prosecutor may request the Council to provide an opinion on whether his or her activities are compatible with his or her function and the provisions of this Law. Such request shall contain details of the activities concerned. The Council shall respond in writing to such a request within a reasonable time from the receipt of such request. The response of the Council provided in accordance with this paragraph shall be binding.

Regulation/procedure for recusal/withdrawal from a case: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 2.1. A prosecutor shall ensure that his or her conduct, both in and out of prosecutor's office, maintains and enhances the confidence of the public and parties to the case in impartiality of the judge and judiciary as a whole. 2.2. A prosecutor shall conduct himself or herself in his/her personal or business affairs as to minimize the occasions on which it will be necessary for the prosecutor to be disqualified.

2.2.a. When assessing reasons for recusal, to avoid any perceived, potential or actual conflict of interest, a prosecutor shall pay particular attention to all duties and activities he/she performed prior to assuming judicial office.

2.2.b. A prosecutor who intends to leave judicial office, or who is aware that, in the forthcoming period, his/her term of office will cease by law or by a decision of the High Judicial or Prosecutorial Council of Bosnia and Herzegovina, must not take advantage of the judicial office and resources at his/her disposal as a judge to promote his/her future activity, and to this end he/she will pay attention to the existence of potential reasons for his/her recusal from the cases he/she is involved in.

2.2.c. If a prosecutor is aware that a member of his/her family or another related person has a financial, political or other interest in a case in which he/she is involved as prosecutor, he/she shall request a recusal from such proceedings, which implies that a prosecutor should invest a reasonable effort to keep informed about financial, political and other interest of his/her family members.

Regulation on receiving gifts: THE CODE OF ETHICS FOR PROSECUTORS ADOPTED BY THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA 4.11 A prosecutor and members of the 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 prosecutor knowingly allow such conduct by the prosecutorial staff and others under his supervision during and after performance of the prosecutorial office.

4.12 Subject to law and to any legal requirements of public disclosure, a prosecutor may receive a token gift, award or benefit as appropriate to the occasion on which it is made provided that such gift, award or benefit might not reasonably be perceived as intended to influence the prosecutor in the performance of prosecutorial duties or otherwise give rise to an appearance of partiality.

Regulation on combining the profession of a prosecutor with other functions/professional activities THE LAW ON THE HIGH JUDICIAL AND PROSECUTORIAL COUNCIL OF BOSNIA AND HERZEGOVINA Article 82

General Prohibition against Incompatible Functions

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General Prohibition against Incompatible Functions

Montenegro

(2022): Law on Prevention of Corruption

Law on State Prosecution Service

Code of Ethics

North Macedonia

(General Comment): Regulation on reporting a potential conflict of interest

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.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
- instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;

(2022): Please, see general comment.

(2019): 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.

(3) If the official person does not act upon request referred to in paragraph (1) of this Article and does not notify the State Commission thereof within the stipulated deadline, the State Commission shall without delay:

- with demand to initiate a disciplinary procedure if the official person is not appointed or elected person;
 - instigate an initiative to the competent authority for dismissal / termination of performance of public competences or duties, if the official person is appointed or elected person;
- or

Serbia

(General Comment): According to the Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public 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.

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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

Retaining Property over Protocol and Appropriate Gifts

Article 60

(2021): 1) 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.

2)

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Handover of the Received Protocol or Appropriate Gift to the Body of Public

Authority

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

(2020): According to the new Law on the Corruption Prevention:

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public 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

Article 59

A protocol gift shall be a gift which a public official or a family member shall receive from foreign state representatives, international organization or foreign natural person or legal entity, during an official visit or on other similar occasions.

An appropriate gift shall be gift received on occasions when gifts are traditionally exchanged.

Received appropriate or protocol gifts shall become public property, in line with the law governing public property.

A public official shall be bound, within eight days from the date of reception of an appropriate or protocol gift, i.e. from the date of return to the country, to handover the gift to the body of public authority in which he/she is holding public office, and the body of public authority shall forward the gift to the body competent for handling items in public property.

(2019): With regard to Regulation/procedure on reporting a (potential) conflict of interest:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 32 of the Law on Anti-Corruption Agency when assuming office and during the discharge of public office, the official shall notify his/her direct superior and the Agency, in writing and within eight days, of any doubts over a conflict of interest concerning himself/herself or an associated person.

The Agency may summon the official and request that he/she submits the necessary data for the purpose of obtaining information on the conflict of interest specified in paragraph 1 of this Article.

If the Agency establishes a conflict of interest as specified in paragraph 1 of this Article, it shall accordingly notify the official and the body wherein such official holds public office and propose measures for eliminating the conflict of interest.

New provisions that shall become fully applicable as of 1st of September 2020 pursuant to the new Law on the Corruption Prevention (Official Gazette of the RS, No. 35/2019 and 88/2019):

In accordance with Article 42 a public official shall be bound to, when assuming duty or in the course of discharging the public office, without delay and within five days, notify in written form, both the direct superior and the Agency, in case of doubt over a conflict of interest or a conflict of interest that he/she or an associated person therewith, might have. A public official shall be bound to terminate action in a case in which there is doubt over a conflict of interest, unless threat of delay exists.

The Agency shall give its opinion as to whether there is a conflict of interest, within 15 days from the date of reception of notification for the public official.

Should the public official seek opinion on the existence of conflict of interest in the course of public procurements, the Agency shall provide opinion thereof, within eight days.

The Agency may summon a public official and request from him/her to deliver the required data, for the purpose of obtaining information on the existence of conflict of interest from paragraph 1 and 4 of this Article. Should the Agency determine that there is a conflict of interest as set forth in paragraph 1 and 4 of this Article, it shall notify the official and body in which he/she is discharging the public office and shall 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.

With regard to Regulation on receiving gifts:

Currently in force provisions of the Law on the Anti-Corruption Agency ("Official Gazette of RS", No. 97/08, 53/10, 66/11 – decision of the CC, 67/13 – decision of the CC, 112/13 – authentic opinion and 8/15 – decision of the CC and 88/2019):

In accordance with Article 39 of the Law on Anti-Corruption Agency an official may not accept gifts in connection to the discharge of public office, except for protocol or other appropriate gifts which may not be in money or securities.

An official is required to hand over the protocol gift to the body competent to manage property in public ownership, unless the value of the gift does not exceed 5% of the value of the average monthly net salary in the Republic of Serbia.

Kosovo*

(General Comment): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

(2022): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

(2021): Law No. 04/L-050 on Declaration, Origin and Control of Property of Senior Public Officials and on 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

Albania

(General Comment): According to Article 9, of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, the magistrate is allowed to perform activities outside of his duties, only if these activities:

- a) are in accordance with the dignity of exercising the function;
- b) do not create perceptions of influence or bias during the exercise of the function;
- c) do not conflict with the essential interests of the function, not infringing the deadlines and the efficient exercise of the functions.
- ç) do not conflict with the purpose for which the workload has been reduced;
- d) in the event that the reward for non-functional activities includes any type and form of payment, financial reward or compensation, which do not exceed the usual market rules;
- dh) are not incompatible with the exercise of the function of the magistrate and are not prohibited according to this law.

The magistrate can write, publish, give lectures and teaching on legal issues and participate in activities related to legal issues, the legal system, the administration of justice and other related issues. Before starting to perform a paid activity out of office, the magistrate must notify the High Prosecutorial Council and submit the necessary documentation. The magistrate receives the approval of the High Prosecutorial Council, before accepting the performance of paid activities outside the function. The Council decides within three weeks of receiving the request and complete documentation and gives approval if the activity and any remuneration for its performance are in accordance with the law.

Montenegro

(General Comment): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities.

The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

The work of lecturers as well as the work of researchers and the publication of scientific papers are not in conflict with the performance of the prosecutorial function.

(2019): According to the Constitution of Montenegro, the state prosecutor cannot exercise a parliamentary and other public office, nor professionally perform any other activities. The Prosecutorial Council provides an opinion on the incompatibility of performing certain tasks with the performance of prosecutorial function.

North Macedonia

(General Comment): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

(2020): Law on Public prosecution office (2020)

Article 71

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area. (2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, after a prior accord provided by the Chief Public Prosecutor of the Republic of North Macedonia, and the Chief Public Prosecutor of the Republic of North Macedonia may act so after a prior accord provided by the Council of Public Prosecutors of the Republic of North Macedonia.

(2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Serbia

(General Comment): 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, an official (judge, public prosecutor, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

(2021): Scientific activity and cultural activities with and without remuneration

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 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not consider whether it is with or without compensation.

(2020): Scientific activity and cultural activities with and without remuneration

With regard to this question, an official (public prosecutor, deputy prosecutor) may conduct scientific study, teaching, cultural, artistic, humanitarian and sports activities, in compliance with the provisions of Article 46 of the Law on the Prevention of Corruption, without the consent of the Agency, unless it jeopardizes the impartial performance and prestige of the public office and if it is forbidden by laws and other regulations that regulate his/her work. Revenues from these work, i.e. activities, shall be submitted to the Agency by the official. An official (public prosecutor, deputy prosecutor) is obliged to submit 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, deputy prosecutor) is obliged to submit a request for consent in accordance with the provisions of Article 46, paragraph 4. In the case of payments, when deciding on an application for the permission of officials to carry out other work or operations, the Agency does not take into account whether it is with or without compensation.

(2019): A public prosecutor or deputy public prosecutor may be a member of the governing body of the institution responsible for judicial training, in accordance with a decision of the State prosecutors Council.

A public prosecutor or deputy public prosecutor may engage in cultural, humanitarian and sports activities without Agency approval if by doing so he/she does not compromise the impartial discharge and dignity of public office. An official is required to report incomes from these activities to the Anti-Corruption Agency.

The activities specified as that they could be performed must be in line with the Constitution, Article 65 of the Law on Public Prosecution Office and the Code of Ethics of Public Prosecution Office. Article 65 of the Law on Public Prosecution Office stipulates that public prosecutors and deputy public prosecutors cannot hold a position in legislative authorities and executive authorities, public services and authorities of provincial autonomy and units of local self-government, cannot be members of political parties, to engage in publicly or privately paid businesses, and provide legal services or legal advice for remuneration. Exceptionally from paragraph 1 of the Article, a public prosecutor, i.e. a deputy public prosecutor, can be member of an authority managing an institution competent for education in judiciary, based on a decision of the State Prosecutorial Council, in line with a special law. Other positions, affairs or private interests contradicting dignity and independence of public prosecution office or harming his/her reputation are also incompatible with prosecutorial position. The State Prosecutorial Council is determining other positions and affairs contradicting dignity, i.e. harming independence or damaging reputation of public prosecution office. After working hours, a public prosecutor and a deputy public prosecutor can engage in educational and scientific activities for remuneration, without special approval. In situations defined by the law, within his/her working hours, a public prosecutor and a deputy public prosecutor may perform educational and scientific activities. They can take part in activities with civil, religious or humanitarian character if those activities do not interfere with performing of the position or if it could negatively reflect to their impartiality. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from participation at political activities and campaigns. Public prosecutors and deputy public prosecutors may be members and may participate at work of professional or other organizations dealing with protection of their professional interests and undertaking of measures for preservation of independence in work, in line with the law. Public prosecutors and deputy public prosecutors are obliged to restrain themselves from giving statements in public or privately that could cause doubt into their impartiality, and especially they cannot give comments on cases where they are proceeding or where they could proceed.

A public prosecutor and a deputy public prosecutor can be sent to a study visit, i.e. other professional trip abroad, based on the State Prosecutorial Council decision, with the obtained opinion form the directly superior public prosecutor, i.e. a public prosecutor, where performance grades from the personal file of the public prosecutor, i.e. the deputy public prosecutor, and knowledge of a foreign language are especially taken into consideration. Pursuant to the Law on Mediation, judges can be mediators, not public prosecutors.

Kosovo*

(General Comment): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the prosecutors shall notify the Chief Prosecutor and the Chief Prosecutors shall notify the Council ".

And of course, they can conduct these activities without remuneration, if they wish.

Prosecutors may also engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

(2022): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

(2021): Prosecutors may engage in activities in the fields of science, sports, education, culture and humanitarian activities. The prosecutor can benefit based on copyright, patents, intellectual and industrial property rights as well as similar rights.

(2019): Based on the article 3 of the LAW ON STATE PROSECUTOR " 3. In accordance with the Provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writings but cannot publish relevant content of prosecution case files during or after the mandate serving as prosecutors, unless expressly permitted by Law or sub-legal act issued by the Council. 4. Prosecutors and Chief Prosecutors, for the activities foreseen in this Article receive remuneration which cannot exceed the value of twenty-five percent (25%) of the basic salary, and for this remuneration the 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.

Question 228

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 229

North Macedonia

(2019): Law on Public prosecution office

Article 49

(1) A public prosecutor may be an educator or hold lectures at the Academy for Training of Judges and Public Prosecutors, teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area.

(2) A public prosecutor may teach at the higher education institutions in the public prosecutorial field and participate in scientific and professional projects in that area, only after a prior accord provided by the Public Prosecutor's Council of the Republic of Macedonia.

Serbia

(2020): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts, humanitarian and sports activities, without prior approval of the Agency for Anti-Corruption if it doesn't endanger the impartial carrying of their work.

(2019): It depends on the nature of activity and time it will consume. For example, if teaching should be performed during working hours, authorization of the head of the ppo is necessary, but not for a cultural activity, in one's own leisurely time. Generally, p's can perform scientific, teaching, cultural, arts, 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 230

Bosnia and Herzegovina

(General Comment): If a judicial office holder is not certain whether an activity is compatible with the judicial function and the relevant prerequisites from the law, he or she will obtain a binding opinion from the High Judicial and Prosecutorial Council of Bosnia and Herzegovina to clarify the issue.

A judicial office holder must make sure to comply with the prerequisite that the total amount of remuneration for other activities may not exceed 40% of his or her annual salary.

Question 231

Albania

(2022): Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interests in the exercise of public functions", as amended, aims to ensure that the exercise of public duty is carried out without being influenced by the private interests of the official, directly or indirectly, which affect, may affect or appear to affect the improper performance of his public duties and responsibilities. This law defines the rules, tools, ways, procedures, responsibilities and powers for the identification, declaration, registration, treatment, resolution and punishment of cases of conflict of interest. The law is enforced by the High Inspectorate of Declaration and Audit of Assets and Conflict of Interest (HIDAACI). According to Article 44, of this law, any violation of the obligations defined in the law, when it does not constitute a criminal offense, constitutes an administrative misdemeanor and is punishable by a fine. The fines are higher, according to the evaluation of the measure of the violation and according to the level of increase in the official's position. In article 45, it is determined that any violation of the obligations defined in this law by officials constitutes a disciplinary violation, regardless of criminal or administrative liability. The measures and procedures defined by the Constitution and the relevant law (Law "On the status of judges and prosecutors", as amended) apply to officials who are members of constitutional bodies (such as prosecutor's offices). According to Article 26, of Criminal Procedural Code, the prosecutor has the duty to resign when there are reasons of one-sidedness in the cases provided by Article 17. On the declaration of relinquishment, according to their duties dhe decision is taken from the head of the prosecution at the court of first instance, of the prosecution at the court of appeal, the General Prosecutor and the head of the Special Prosecution. For the heads of prosecutions, the decision is taken from dhe heads of the higher prosecution offices. With the decision accepting the relinquishment declaration, the prosecutor who resigned is replaced by another prosecutor. In Decision no. 32, dated 24.2.2022, "On the approval of the standards of ethics and rules of conduct of the prosecutor" of High Prosecutorial Council is provided that, the head of the prosecution office oversees compliance with the rules of conduct and ethics of the prosecutor and reports every problem to the High Council of Prosecution. Violation of the standards of ethics and rules of conduct of the prosecutor when it does not constitute grounds for disciplinary responsibility is taken into consideration within the ethical and professional assessment of the prosecutor. According to the Law "On the status of judges and prosecutors in the Republic of Albania", as amended, 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 is a disciplinary violation. Anyone can submit a complaint to the High Inspector of Justice against a prosecutor to investigate whether the latter has exercised the function under conditions of conflict of interest. If, after the disciplinary investigation, it is established that there has been a disciplinary violation from the magistrate, the High Inspector of Justice proposes to the High Prosecutorial Council, the approval of a disciplinary measure.

(2021): In the Law “On the status of judges and prosecutors”, as amended, are the provided possible cases for 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 influence by other Magistrates, lawyers, political functionaries, public officials or other entities;
 -
 - p) breach of the rules of incompatibility or conflict of interest prevention, in accordance with the provisions of the legislation in force.

Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
- (d) Temporary or permanent reassignment to another court or prosecutor's office;
- (e) Demotion of a Court President to an ordinary judge or the Chief Prosecutor or Deputy Chief Prosecutor to an ordinary prosecutor; (f) Removal from office.

As a separate measure, instead of or in addition to any of the disciplinary measures set out above, the Council may, if appropriate, order that a judge or prosecutor participate in rehabilitation programme, counselling, or professional training.

The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 59)

Principles for Determining Measures

(1) Disciplinary measures imposed should be governed by the principle of proportionality. Before pronouncing the measures for a disciplinary offence, the following aspects shall be taken into consideration by the Disciplinary Panels:

- (a) The number and severity of the disciplinary offence committed and its consequences;
 - (b) The degree of responsibility;
 - (c) The circumstances under which the disciplinary offence was committed;
 - (d) The previous work and behaviour of the offender; and
 - (e) Any other circumstances that may affect the decision on the severity and type of disciplinary measure, including the degree of remorse and/or cooperation shown by the judge or prosecutor during the disciplinary proceedings.
- (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, and may reduce the disciplinary measure accordingly, or may, at its discretion, determine that the prior suspension is itself a sufficient measure for the disciplinary violation or violations found.

(2019): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
- (b) Public reprimand;
- (c) Reduction in salary up to a maximum of 50% (fifty per cent) for a period of up to one (1) year;
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(General Comment): "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

(2022): see excerpts from the Law on Prevention of Corruption. The Law applies to judges and prosecutors as public officials.

The Law on State Prosecution Service defines as disciplinary offence "use prosecutorial function to act in their private interests and interests of their family and persons close to them"

Similar provision in the Code of Ethics. Commission for the Code of Ethics decides on the breaches of the Code.

(2019): v "law on prevention of conflict of interest" - Title of the law is Law on prevention of corruption.

North Macedonia

(General Comment): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

(2022): Law on prevention of corruption and conflict of interest

(2021): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

(2019): In our country the full name of the law is Law on prevention of corruption and conflict of interests.

Serbia

(General Comment): In accordance with articles 40-56 of the Law on 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 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 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 law.

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(2020): 1. Law on the Anti-Corruption

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 of the decision on the violation of this Law may be pronounced against an official who has been directly elected by the citizens, an official whose public office has terminated or an associated person.

If the person referred to in paragraphs 1 and 2 of this Article fails to comply with the measure of caution within the time period specified in the decision, the measure of public announcement of recommendation for dismissal or public announcement of the decision on the violation of this Law shall be pronounced against him/her.

In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which

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In case of pronouncing the measure of public announcement of recommendation for dismissal against the official, the Agency shall file an initiative for dismissal to the body which

Kosovo*

(General Comment): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

Administrative Procedures of the Agency in Cases of Conflict of Interest

1. The procedure shall begin at the Agency:

- 1.1. ex officio;
- 1.2. at the request of a senior official;
- 1.3. at the request of the official and following the approval by the employing institution;
- 1.4. at the request of the institution;
- 1.5. on basis of reporting by another person or on basis of anonymous information.

2. The procedure on conflict of interest in the Agency cannot be initiated if two (2) years have passed from the date the act has taken place, unless otherwise provided by law.

3. The Agency shall notify the reporting person within a period of fifteen (15) days for further processing of the information.

4. In case of based suspicion on existence of a conflict of interest, the Agency shall immediately initiate the procedure to establish whether there is a conflict of interest and its consequences.

5. The Agency shall inform the senior official and the official person in cases defined under Article 21, paragraph 1., sub-paragraph 1.5. of the present law, about the initiation of administrative procedure and upon his request shall notify him about the facts held by the Agency.

6. The Agency procedure is confidential. The Agency shall only make known the final results of the conducted procedure.

7. If after selection, appointment, or after the confirmation of mandate, the official continues to exercise an activity or a function which in accordance with this law is not compatible with the new function, the Agency shall inform the official and the employing institution that he must either quit this activity or resign from the function within seven (7) days.

8. In case the official continues to exercise activities or functions that are incompatible in accordance with this law, regardless of warnings by the Agency, the Agency shall request the employing institution to initiate a procedure for dismissing the official.

9. The institution, where the official continues to exercise a function or an activity, which is incompatible in accordance with the present law, shall initiate the procedure for dismissal from function upon the request of the Agency.

10. When a Member of the Assembly exercises activities that are incompatible in accordance with the present Law, the Agency shall notify the Chairman of the Assembly and shall request initiation of legal procedures against him.

11. The competent authorities shall notify the Agency of the action undertaken by them within fifteen (15) days of receiving notice.

12. All decisions issued by the Agency regarding a conflict of interest in discharge of public office and breach of the provisions of this law, including prohibited or restricted acts during the exercise of public functions, the exercise of other activities, incompatibilities in the exercise of public function, shall be respected by officials and relevant institutions.

(2022): The procedure is regulated in Article 22 of the Law on prevention of conflict of interest: Article 22

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Question 232

Albania

(General Comment): Please briefly describe the procedure: In the Law “On the status of judges and prosecutors”, as amended, is provided that, breach of the rules of incompatibility or conflict of interest prevention is a disciplinary violation. Also, in the Law no. 9367 dated 7.4.2005, “On the prevention of conflicts of interest in the exercise of public functions”, as amended, is provided that, any violation of the obligations set forth in this law, when it does not constitute a criminal offense, constitutes an administrative offense and is punishable by a fine.

Please note that some of the procedure to sanction breaches of the rules on the conflict of interest for both judges and prosecutors are provided in the law on the status of judges and prosecutors in the Republic of Albania. In question 223, this 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, which would correspond to a section titled "law on public prosecutors" and the law on the organisation and functioning of the prosecution offices in the Republic of Albania, which would correspond to a section titled "law on public prosecution".

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Bosnia and Herzegovina

(General Comment): According to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (Article 57) being engaged in activities that are incompatible with the prosecutorial function represents a disciplinary offence. Generally, according to the Law the following disciplinary measures may be pronounced for the legally prescribed disciplinary offences:

- (a) A written warning which shall not be made public;
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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:

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Kosovo*

(General Comment): When a prosecutor concludes or has reasons to believe that he/she has breached the rules on conflict of interest, he/she is obliged to inform his/her supervisor. He/she should immediately suspend all activities related to that particular issue. In case his/her supervisor is not convinced or is in doubt whether the prosecutor has breached the rules on conflict of interest, he/she shall refer the case to the Anti-Corruption Agency. In case when there exist reasons to believe that a prosecutor has breached 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 such breach of rules, and he/she does not inform his supervisor, a disciplinary procedure is initiated accordingly with the actual Law.

Question 233

Albania

(2021): Please note that under the new constitutional amendments, judges and prosecutors are undergoing a vetting process. As part of this temporary process, judges and prosecutors are re-evaluation based on three criteria:

(a) Asset assessment, (b) Background assessment, and (c) Proficiency assessment. Under the asset declaration process, HIDAACI plays a key role: HIDAACI based on declarations of assets shall conduct a full audit procedure in compliance with this law, the Law “On the declaration and audit of assets, financial obligations of elected persons and certain public officials, the Law “On prevention of conflict of interest in exercising public functions” and the “Code of Administrative Procedures”.

The General Inspector of HIDAACI, for the purpose of this assessment, can request through the General Directorate of Prevention of Money Laundering or Ministry of Justice records of assets owned by assesseees or their related persons, or any financial transactions in Albania or abroad according to Law “On prevention of money laundering and financing of terrorism” or documents used abroad by assesseees or their related persons. Such documents or information can be used as evidence before the Commission or Appeal Chamber.

3. HIDAACI provides full access to international observers, upon their request, to seek information, consult, copy or investigate declaration of assets submitted by the assessee or his or her related persons and their accompanying documents.

4. HIDAACI shall conduct a full audit procedure as soon as possible but no longer than 180 days as of the day of asset declaration submission.

5. Upon completion of the audit, the General Inspector of HIDAACI shall prepare a reasoned detailed report and, as appropriate, shall find out that: (a) Accurate declaration /disclosure in compliance with the law, with legitimate financial sources and not found in situation of conflicts of interest; (b) Lack of legitimate financial sources to justify their assets; (c) Hiding wealth/ assets; (d) False declaration; (e) Assessee found in situation of conflicts of interests.

For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2020; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, for 2020 the IQC (the first vetting body) has dismissed from duty 32 judges, and 12 prosecutors.

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For these reasons, HIDAACI has not in itself, referred for further proceedings against judges and prosecutors to criminal investigation or fined, as an administrative measure, any judge or prosecutor during 2019; however, due to the work of HIDAACI, a considerable number of judges and prosecutors have been dismissed from the vetting bodies based on the reports filed by HIDAACI. To illustrate the work of HIDAACI under the vetting process, from 8 February 2018 to 31 December 2019 the IQC (the first vetting body) has dismissed from duty 50 judges, 31 prosecutors and 2 legal advisors. The findings of the assessment process done from HIDAACI for 178 subjects that were under evaluation, 119 subjects resulted without any problems, and 59 subjects were reported by HIDAACI with problems with their asset declarations. Further to these reports, IQC undertakes a more in-depth investigation. These in-depth investigations resulted in the following data: 80 subjects were reported without violations/discrepancies in their declaration of assets and 98 subjects were reported with violations/discrepancies in their declaration of assets. Most of these subjects were dismissed due to these discrepancies.

Bosnia and Herzegovina

(General Comment): One of the chief prosecutors was held liable for disciplinary offences “behaviour inside or outside the court or office that demeans the dignity of the public prosecutor” and “any other behaviour that represents a serious breach of official duties or that compromises the public confidence in the impartiality or credibility of the public prosecutor”, for leasing the flat for office to defence attorneys representing the clients prosecuted by his Prosecutor’s Office.

(2019): The numbers included in the table refer to disciplinary procedures initiated against prosecutors in the reference year.

Montenegro

(2019): Source: Agency for Prevention of Corruption

Serbia

(2020): 2 cases initiated in 2019

Kosovo*

(2019): During 2019, the Anti-Corruption Agency initiated and reviewed 2 conflict of interest cases for prosecutors. In those cases the conflict of interest was avoided and no further proceedings were necessary.

Question 234

Albania

(2022): Disiplinary body (Hight Inspector of Justice)

(2020): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

(2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Bosnia and Herzegovina

(General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC.

The latter receives and reviews complaints concerning the conduct of judges or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.

If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

(2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of judges, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a judge has made a disciplinary offence, it will launch an investigation of the facts and circumstances.

If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a judge.

If the investigation shows that there is evidence to confirm allegations of misconduct of a judge, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC by filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused judge a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

Montenegro

(General Comment): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges (“Official Gazette of MNE”, No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behavior of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.

(2019): Motion for Establishing Disciplinary Liability - Article 110 of the Law on Judicial Council and Judges (“Official Gazette of MNE”, No. 11/2015, 28/2015 and 42/2018): If there is reasonable suspicion that a judge committed a disciplinary offence, the motion for establishing disciplinary liability of the judge may be filed by the court president, the president of the immediately higher court and the President of the Supreme Court or the Commission for Monitoring the Implementation of the Code of Ethics for Judges. The motion for establishing disciplinary liability of the President of the Supreme Court may be filed by a General Session of the Supreme Court. In the case referred to in paragraph 1 and 2 of this Article, the court president, the president of the immediately higher court and the President of the Supreme Court may address the Commission for Monitoring the Implementation of the Code of Ethics for Judges with a request for an opinion whether certain behaviour of a judge is in accordance with the Code of Ethics for Judges. The motion for establishing disciplinary liability of a judge shall be filed without delay, immediately after becoming aware of the disciplinary offence.

North Macedonia

(General Comment): Law on Judicial Council (2019)

A request for initiation of a procedure for determination of liability of a judge or a president of a court Article 62

(1) The reasoned request for initiation of a procedure for determination of liability of a judge or a president of a court (hereinafter: the request) shall be submitted to the Council and shall contain: name and surname of the judge or the president of the court, address and place of residence, in which court he exercises the office, description of the violation, legal term for the violation by stating the provisions of the Law on Courts, and proposed evidence that have to be exhibited at the discussion.

(2022): Please, see the general comment.

Serbia

(General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a judge based on which disciplinary proceedings may be formally initiated by the HJC 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 the procedure for determining the disciplinary responsibility of judges and presidents of courts.

(2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor

(2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor

(2019): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the HJC disciplinary prosecutor.

A judge is dismissed when s/he is convicted of a criminal offense for which s/he is sentenced to unconditional imprisonment of at least six months or of a punishable offense rendering him/her unworthy of judicial office, in the case of unprofessional performance of judicial function, or for committing a serious disciplinary offense.

Kosovo*

(General Comment): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

(2019): According to the article 12 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, Kosovo Judicial Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the same Law.

Question 235

Albania

(2019): The judge shall be disciplinarily liable under the law.

The judge shall be dismissed by decision of the High Judicial Council when:

- a) Committing serious professional or ethical misconduct which discredit the position and the image of the judge in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

The judge shall be suspended from duty by decision of the High Judicial Council when:

- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
- b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

(General Comment): Judges may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. 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 completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detention, until pre-trial detention ends.

(2019): Judges may be disciplinary liable for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC, decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a judge. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the judge temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a judge can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a judge, while the temporary removal from office is mandatory in case when a judge is in pre-trial detention, until pre-trial detention ends.

Montenegro

(General Comment): The investigation on the submitted motion for establishing disciplinary liability shall be conducted by the Disciplinary Prosecutor and Disciplinary Committee appointed by the Judicial Council for time limit of two years. President of the Disciplinary Committee shall be appointed from among the members of the Judicial Council who are not judges, and two members from among the judges who are not members of the Judicial Council with at least 15 years of work experience. The Judicial Council issued a brochure for applicants complaints against judges and court president in 2017.

(2022): Disciplinary Council. Established by the Judicial Council.

North Macedonia

(General Comment): Law on courts

Dismissal of a judge

Article 74

(1) The judge shall be dismissed from the judicial office: ~~due to~~ 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.

(3) ~~I~~n cases of disciplinary violation of paragraph (1) line 1 of this Article, when there was a final judicial decision, the court that had adopted the decision has to immediately after obtaining decision's effectiveness, to inform the Judicial Council of the Republic of Macedonia and the president of the court where the judge is performing the judicial function about it.

(4) ~~T~~he procedure for establishing responsibility of judges in the case of paragraph 1 point 1 of this Article, may be initiated even when there is no previously adopted effective judicial decision.

(2022): Please, see the general comment.

Serbia

(General Comment): RULE BOOK on the procedure for determining the disciplinary responsibility of judges and presidents of courts, Article 5 : The Disciplinary Prosecutor acts according to the disciplinary report, submits to the Disciplinary Commission a proposal for conducting disciplinary proceedings, represents the proposal for conducting disciplinary proceedings before the Disciplinary Commission, files an appeal against the decision of the Disciplinary Commission and undertakes other actions in accordance with the Law on Judges and this rulebook.

The mandate of the Disciplinary Prosecutor lasts four years.

The disciplinary prosecutor submits an annual report on his work to the High Council of the Judiciary (hereinafter: the Council) no later than March 1 of the current year for the previous year and whenever the Council requests it.

Article 9: The Disciplinary Commission consists of the president and two members, who have deputies.

The President of the Disciplinary Commission manages and takes care of the organization of the work of the Disciplinary Commission.

The Disciplinary Commission acts on the proposal of the Disciplinary Prosecutor for conducting disciplinary proceedings, conducts disciplinary proceedings and makes a decision on the proposal of the Disciplinary Prosecutor for conducting disciplinary proceedings.

The mandate of the president and members of the Disciplinary Commission and their deputies lasts for four years.

The President of the Disciplinary Commission is replaced by a member of the Disciplinary Commission appointed by him in case of absence or incapacity, and in case of dismissal by a member of the Disciplinary Commission appointed by the President of the Council.

The President of the Disciplinary Commission submits an annual report on the work of the Disciplinary Commission to the Council no later than March 1 of the current year for the previous year and whenever the Council requests it.

(2022): Disciplinary commission of the HJC and the Disciplinary Prosecutor of the HJC

Kosovo*

(General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, at the investigation stage the Kosovo Judicial Council establishes a panel of three judges to gather evidence, analyze the facts and prepare a report. The Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).

Question 236

Albania

(General Comment): Article 141 of the LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.

Rights and Obligations of Parties during the Disciplinary Proceeding

1. During disciplinary proceedings, the magistrate or his/her representative shall be provided access to the file, so far as it does not endanger:

- a) the legal interests of the parties or third persons;
- b) the functions of the deciding body,
- c) the purpose of the proceedings.

2. A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) to submit a written defence within a specified time;
- b) to attend any hearing;
- c) to call witnesses who may provide information of significance to the case;
- ç) to present documents;
- d) to take other measures for the purpose of providing evidence in support of his or her defence;

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dh)to be represented under the provisions of the Code of Administrative Procedures,

e) recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

(2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2.

A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,
- e) Recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) ~~The~~ right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) ~~The~~ right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) ~~The~~ right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) ~~The~~ right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) ~~The~~ right to appeal adverse decisions.

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) ~~The~~ right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) ~~The~~ right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) ~~The~~ right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) ~~The~~ right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) ~~The~~ right to appeal adverse decisions.

Serbia

(General Comment): RULE BOOK on the procedure for determining the disciplinary responsibility of judges and presidents of courts, Article 23:

The disciplinary prosecutor may invite the judge/the president of the court against whom the disciplinary report was filed, to testify about the allegations in the disciplinary report.

The judge/ the president of the court, is not obliged to respond to the invitation of the Disciplinary Prosecutor.

The disciplinary prosecutor is obliged to inform the judge/ the president of the court who responds to the call, that everything he declares can be used as evidence in the disciplinary proceedings.

Article 32: The President of the Disciplinary Commission presides over the disciplinary hearing.

The chairman of the Disciplinary Commission will warn the judge/ the chairman of the court against whom disciplinary proceedings are being conducted, that he has the right not to say anything, withhold an answer to a particular question, freely state his allegations, admit or not admit responsibility for a disciplinary offense, to make a statement himself or through representative, and especially the right to present facts and propose evidence in support of his allegations, ask questions of other participants in the proceedings, make remarks and give explanations in connection with the presented evidence.

The position of the judge in the disciplinary procedure

Article 96 of the Law on Judges "Status of a judge in disciplinary proceedings":

The judge has the right to be immediately informed of the Disciplinary Prosecutor's proposal, to familiarize himself with the case and accompanying documentation, and to provide explanations and evidence for his allegations either himself or through a representative.

The judge has the right to present his allegations orally before the Disciplinary Commission.

(2022): Article 23 and 32 of the Rulebook on the procedure for determining the disciplinary responsibility of judges and presidents of courts

Question 237

Albania

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

Bosnia and Herzegovina

(General Comment): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2022): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2021): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2020): Some cases against judges were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

The following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

Number of initiated cases is significantly lesser in 2020 than in the previous report (35). It should be noted 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).

(2019): Some proceedings against judges were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating disciplinary proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. neglect or careless exercise of official duties;
2. issuing decisions in patent violation of the law or persistent and unjustified violation of procedural rules;
3. unjustified delays in issuing decisions or any other act related to the exercise of judicial functions, or any other repeated disregard of the duties of the judicial function;
4. failure, for an unjustifiable reason, to comply with decisions, orders or requests of the Council;
5. failure to fulfil any mandatory training obligations or any other obligations imposed by law; 6. failure to comply with the decision on temporary transfer to another court.

It should be noted that number of initiated proceedings is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), because of the high number of grounded complaints as well as an increase in number of the Office of Disciplinary Counsel staff.

Montenegro

(2022): During 2022, 37 disciplinary proceedings were conducted based on proposals for determining the disciplinary responsibility of judges.

In 35 proceedings, proposals for determining disciplinary responsibility were rejected as unfounded, bearing in mind that the proceedings were initiated due to failure to provide data on assets and income in accordance with the regulations governing the prevention of conflicts of interest.

In the remaining two cases, the procedure is ongoing.

(2021): Does not submit data on property and income in accordance with the regulations governing the prevention of conflicts of interest.

(2020): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three cases;

(2019): Exceeds, without justified reason, the triple statutory deadline for making decisions in at least three cases;

North Macedonia

(General Comment): Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) If in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) If he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) If publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) If without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) If does not take the matter into consideration because of which expiration of a criminal prosecution or statute of limitations on the execution of a criminal sanction for a crime occur;
- 6) If takes on a case that has not been allocated to him through the automatic computer system for conducting of court cases in the courts; ;
- 7) If intentionally and inexcusably makes gross professional mistake, while differences in interpretation of law and facts cannot be taken as ground for determination of judges' responsibility. After submission on a request for determination of the responsibility of the judge or president of the court is received, the Council shall establish a Commission of Rapporteurs from the members with a right to vote by lot, which is composed of three members, two of which are from among the members elected by the judges, and one is 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:

- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.

In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven days from the day of the notification of stopping or continuation of the procedure.

If the Council decides to continue the procedure, the Commission shall be obliged to collect all necessary information and to prepare a report within a period of three months from

(2019): The number of initiated proceedings is higher in 2019, because of changes in the Law on Judicial Council from 2018 and 2019. Namely, according to the new provisions a request for initiation of a procedure for determination of liability of a judge or a president of a court can be filled also and from the court users, which was not a case according to the provisions of the previous law. Unprofessional and unethical performance of the judicial function according to the Law on courts implies unsatisfactory expertise or unconscientiousness of the judge that affects the quality and promptness of the work, as follows:

- 1) ~~if~~ in two consecutive assessments the judge does not fulfill the criteria for successful work, by his fault without justifying reasons, for which he has received two negative grades, in procedure established by the Law on Judicial Council in of the Republic of Macedonia;
- 2) ~~if~~ he was convicted by a final court verdict, with punishment lower than that determined in the Art. 73, paragraph(1) point 5 from the Law on courts which is a direct result of acting in the performance of the judicial office, deliberately or with conscious negligence; (art. 73, p.1, point 5-Conviction for a crime by a legally valid court verdict to an unconditional imprisonment sentence of minimum six months).
- 3) ~~is~~ publishing unauthorized classified information, i.e. provided information and data on court cases that violates the obligation to protect the secrecy of the procedure established by law and when the public is excluded in accordance with the law;
- 4) ~~without~~ without justified reasons, does not schedule the hearings in the cases assigned to him or otherwise delay the procedure;
- 5) ~~does~~ 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~~ 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~~ 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:

- is not timely,
- is not complete, or
- clearly unmeritorious, i.e. it revokes on facts that were already a case for examination by a higher court in a procedure after a legal remedy or could have been a case for examination by a higher court but have not been commenced with a legal remedy.

In this cases, the procedure for determining responsibility of the judge or president of the court finishes with the decision of the Commission. If the Commission does not reject the request for determining the responsibility of a judge or president of a court, it shall notify the Council of the established factual situation, which is obliged to decide within seven

Serbia

(General Comment): Disciplinary offenses in accordance with Article 90 of the Law on Judges:

Paragraph 2:

A severe disciplinary offense which caused a serious disruption in the exercise of judicial power or regular duties at the court or severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence Paragraph 2 :

Paragraph 1:

line 1- a violation of the principle of independence line3 - unjustifiable delays in the drafting of decisions:

the line7-unjustifiable prolonging of proceedings :

line 17- unjustifiable change in the court's annual schedule of judges activities, and the violation of the principle of natural judge , contrary to the law.

(2022): Disciplinary offenses in accordance with Article 90 of the Law on Judges: Paragraph 1 –a violation of the principle of independence.

(2019): Disciplinary offenses in accordance with Article 90 of the Law on Judges: - A severe disciplinary offence which caused a serious disruption in the exercise of judicial power or regular duties at the court or a severe damage to the dignity of the court or public trust in the judiciary, and in particular if it results in the statute of limitations, serious damages to the property of the party in proceedings, as well as in the case of repeated disciplinary offence;

-Paragraph 5 -unjustifiable failure to schedule a hearing (placed in the category of professional inadequacy),

- Paragraph 7 -unjustifiable prolonging of proceedings (placed in the category of professional inadequacy),

- Paragraph 9 -obviously incorrect treatment of participants in proceedings and the court staff, - Paragraph 18 -serious violation of provisions of the Code of Ethics.

8 cases from 2018 have not been resolved and in 2019 disciplinary proceedings have been initiated in 7 cases

Kosovo*

(General Comment): According to article 4 of the Law on disciplinary liability of judges and prosecutors, judges and prosecutors shall be subject to disciplinary liability for disciplinary offences, in accordance with procedures set forth in this law. Article 5 enumerates the disciplinary offences in respect of judges.

(2022): Article 5 of the Law on disciplinary liability of judges and prosecutors.

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 238

Albania

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

North Macedonia

(2022): The total number of completed cases in 2022 includes cases that were initiated in 2020, 2021 and 2022.

(2020): The Commission of the JC (see comment on Q237, explanation about the Commission), rejected 71 requests.

In 2020 JC stopped 9 disciplinary procedures. For one judge the request was withdrawn. 4 judges were dismissed in 2020 and in 1 case there was liability on a judge, who at that time met the conditions for retirement, so the JC determined the termination of the function on that basis. From this 4 decisions for 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.

(2019): From a total of 107 disciplinary proceedings initiated in 2019, the Commission (see comment on Q237, explanation about the Commission), rejected 58 requests.

In 2019 by the Council are rejected 9 requests for disciplinary proceedings initiated in 2019.

4 cases are stopped.

Judicial Council in 2019 dismissed 2 judges from the procedures initiated in 2019. In total by the JC in 2019 were dismissed six (6) judges (4 judges for proceedings initiated in 2017 and above mention 2 judges for proceedings initiated in 2019), but this decisions are not final. They are in appeal procedure in front of the Supreme court.

34 procedures are ongoing.

Kosovo*

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 239

Albania

(2020): All the cases mentioned in the Q.238 for Professional inadequacy are pending trial by relevant councils.

(2019): Please note that under the new amendments of the constitution, which entered into force in 2016, The High Justice Inspector is responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law. Based on the transitory provisions the High Justice Inspector was to be appointed within 6 months after the entry into force of this law. The manner of functioning of the existing inspectorates during the transition period shall be regulated by law. However, due to the process of appointing the high justice inspector and the constitutional condition that the Assembly elects the Inspector among 5 candidates, the High Justice Inspector was elected by the Assembly on January 2020. Therefore, during 2019 no investigations or disciplinary proceedings were conducted against judges and prosecutors. However, please note that irrespective of this fact, during this time the vetting process is undergoing.

Bosnia and Herzegovina

(2022): A significant difference between the number of disciplinary proceedings initiated (35) and the total number of sanctions imposed (23) was caused by the following circumstances: the disciplinary action was rejected in (3) cases and disciplinary proceedings were suspended in (9) cases (4 judges retired, 3 judges resigned, 1 judge died, and 1 judge's term expired).

(2020): “Other” measure - written warning which shall not be made public - was imposed against 4 judges; this is a non-public measure. Although there were no suspensions imposed in 2020 as a disciplinary sanction, it should be noted that 2 judges were temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. In addition, 2 judges remain suspended as a result of criminal proceedings initiated before 2020.

(2019): As “other” measure, there is a written warning which shall not be made public imposed against 6 judges. This is a non-public measure. Number of imposed sanctions (25) is lesser than the number of initiated proceedings (35). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the High Judicial and Prosecutorial Council of Bosnia and Herzegovina as third instance. Therefore, some of the proceedings initiated in 2019 were not completed in 2019. Although there were no suspensions imposed in 2019 as a disciplinary sanction, it should be noted that one judge was temporarily suspended from office pending criminal proceedings and another judge was temporarily suspended from office until the completion of disciplinary proceedings initiated against him. Also, 3 judges remain suspended as a result of criminal proceedings initiated before 2019.

Montenegro

(2022): info as in section 237: 35 rejected, 2 are still ongoing

North Macedonia

(2020): In 2020 five judges were dismissed with a final decision and for one judge JC issued a reprimand.

(2019): In 2019 one judge has been dismissed with a final decision.

Serbia

(2022): Other: ban on promotion for a period of three years

(2021): Other: ban on promotion for a period of 3 years

(2020): In 1 case, a procedure for dismissal of a judge was initiated due to a severe disciplinary offense under Article 90, paragraph 2 of the Law on Judges in connection with disciplinary offenses under Article 90, Paragraph 1, lines 9-obviously incorrect treatment of participants in proceedings and the court staff and 18- serious violation of provisions of the Code of Ethics In 3 cases the proposals of the Disciplinary Prosecutor were rejected (all three due to the disciplinary offences from Article 90, Paragraph 1, Line 7 -unjustifiable 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 , Line 18 of the Law on Judges - serious violation of provisions of the Code of Ethics.

(2019): In the part sanctions – temporary reduction of salary 2 cases - Article 90 of the Law on Judges -Paragraph 18 -serious violation of provisions of the Code of Ethics In 3 cases the motions of the Disciplinary Prosecutor were declined.

Out of the total of 11 cases resolved, on the proposal of the Disciplinary Prosecutor, no complaints were filed in 3 cases.

In the HJC Official Report for 2019, a total of 8 disciplinary sanctions are recorded, instead of 6, having in mind two particular cases:

- In one case the High Judicial Council reversed the decision and the motion for disciplinary proceedings was rejected due to the termination of judicial office.
- In the second case the High Judicial Council reversed the appeal decision and declined the proposal on the grounds of limitation of disciplinary proceedings.

Kosovo*

(2019): Because of the Covid 19 situation, we have not been able to obtain the data yet.

Question 240

North Macedonia

(General Comment): Yes, according to article 72 (Law on the Judicial Council)

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 but within three years at the latest from the date the judgment of the European Court becomes final, apply to the Council for reopening of the proceedings. (2) The Council shall inform the Inter-Ministerial Commission for execution of the decisions of the European Court of Human Rights of the application filed, in accordance with the Law on Execution of the Decisions of the European Court of Human Rights. (3) The Council is obliged in the reopened procedure to comply with the legal positions stated in the final judgment of the European Court of Human Rights finding the violation of the human rights and fundamental freedoms. (4) The Council may, in accordance with Article 25 of the Law on Execution of the Decisions of the European Court of Human Rights, reopen the proceedings to eliminate the violation and the consequences arising from the violation. (5) The Council shall, from its composition, set up within 15 days a Commission of a chairman and three members to act on the filed

(2019): The right to appeal to the Council for deciding upon an appeal to the Supreme Court of the Republic of North Macedonia against the decision of the Council, is only the judge or the president of the court for whom the procedure for determining liability, within eight days from the date of receipt of the decision.

The Appeal Council is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted is. The members shall be chosen publicly by system of drawings at a general session of the Supreme Court of the Republic of North Macedonia, that is, a session of all judges of the respective court, no later than 10 days from the day of receiving the appeal.

The Board of Appeal shall decide at the latest within 30 days from its establishment upon the appeal, appreciating the legality of the procedure.

In the cases referred above, the Appeals Chamber may confirm or revoke the decision of the Council in the event of a gross violation of the provisions on the procedure for the responsibility of a judge or president of a court.

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.

An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.

Serbia

(General Comment): Article 36 of the Rulebook for determining the disciplinary responsibility of judges and presidents of courts

Against the decision of the Disciplinary Commission, the Disciplinary prosecutor, the judge and his representative/ the president of the court and his representative, may file an appeal with the Council within eight days from the date of delivery of the decision.

The decision can be contested:

- 1) due to violations of procedural rules that could have an impact on the adoption of a legal and proper decision,
- 2) due to wrongly or incompletely established factual situation,
- 3) due to incorrect application of substantive law,
- 4) due to the decision on the imposed disciplinary sanction.

The complaint contains:

- 1) designation of the decision against which the appeal is filed,
- 2) a statement that the decision is disputed in its entirety or in a certain part,
- 3) reasons for appeal,
- 4) signature of the person making the complaint.

In the appeal, new facts can be presented and new evidence can be proposed only if the appellant makes it probable that he could not present them, that is, propose them during the first instance disciplinary procedure, through no fault of his own.

The complaint with attachments is submitted to the other party in the proceedings, who can submit an answer to the complaint within three days from the date of submission of the complaint. An untimely response to the appeal will not be taken into consideration.

The Disciplinary Commission immediately upon receipt of the response to the appeal or the expiration of the deadline for providing the response to the appeal submits the case files to the Council.

Question 241

Albania

(General Comment): Article 140 of the Constitution 1. The judge is disciplinarily liable under the law.

2. The judge is dismissed by decision of the High Judicial Council when:

- a) commits serious professional or ethical misconduct that discredits the position and image of judge while exercising the duty;
- b) sentenced by final court decision for the commission of a crime.

3. The judge is suspended from duty by decision of the High Judicial Council when:

- a) upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for the commission of a criminal offence;
- b) he/she obtains the capacity of defendant for a serious offence committed intentionally;
- c) disciplinary proceedings are initiated, as per the law.

4. Against the decision of dismissal an appeal may be made to the Constitutional Court.

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina. There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant's right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

North Macedonia

(General Comment): The Appeal Council in the Supreme Court of the Republic of North Macedonia is composed of nine members, of which three judges of the Supreme Court of the Republic of North Macedonia, one judge from the appellate courts and two judges from the court from which the judge against whom the procedure is conducted. 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 the guidelines of the Appeals Council and shall take a decision and publish it publicly on its website.

An appeal or a lawsuit shall not be allowed against the decision of the Appeals Chamber.

(2022): Please, see the general comment.

Serbia

(2022): Article 36 of the Rulebook on determining the disciplinary responsibility of judges and presidents of courts

Kosovo*

(General Comment): According to article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Other courts in Kosovo shall not have the competence to review and decide on the disciplinary procedure against judges and prosecutors.

(2019): According to the article 15 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS, parties shall have the right to appeal against the disciplinary decisions of the Council, directly to the Supreme Court of Kosovo, within fifteen (15) days from the day of receipt of the decision.

Other courts in Kosovo shall not have competence to review and decide on the disciplinary procedure against judges and prosecutors.

Question 242

Albania

(General Comment): Article 44 of the LAW No 96/2016. ON THE STATUS OF JUDGES AND PROSECUTORS IN THE REPUBLIC OF ALBANIA.

Article 44

Transfer without Consent

1. Magistrates shall be transferred without their consent only in the following cases:

- a) implementing a disciplinary measure;
- b) where a magistrate's position is abolished as the result of changes in the administrative structure and territorial powers of the courts or prosecution offices, following an assessment based on objective and transparent criteria;
- c) as a consequence of establishing a family relationship amounting to an environmental incompatibility in the sense of Article 8, of this Law;
- ç) in case of temporary shortage of magistrates in a court or prosecution office which cannot be covered by the magistrates in the mobility scheme in accordance with the provisions contained in the Article 46 of this Law.

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2. Where a magistrate's position is abolished in accordance with letter 'b' of paragraph 1 of this Article, he or she shall:

- a) be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office where the magistrate has previously exercised the function, or where this is not possible,
- b) have the right to choose to be transferred to any position at the same

(2019): The magistrate's demotion in duty from a higher level to a lower level court or from a position in the special court for the adjudication of the criminal offences of corruption and organised crime or Special Prosecution Office to a court of general jurisdiction or another prosecution office shall be imposed where: a) The misconduct is serious; b) The magistrate shows a conduct that makes his/her proficiency appear unfit for the higher or specialized position, but the misconduct does not render the magistrate unfit to act as a magistrate.

2. In case of a demotion in the sense of paragraph 1 of this Article, the magistrate receives the salary of the position to which he/she was demoted.

1. Magistrates shall be transferred without their consent only in the following cases:

a) Implementing a disciplinary measure;

b) Where a magistrate's position is abolished as the result of changes in the administrative structure or territorial powers of courts or prosecution offices, following an assessment based on objective and transparent criteria;

ç) In case of temporary shortage of magistrates in a court or prosecution office, which cannot be covered by magistrates in the mobility scheme in accordance with the provisions contained in Article 46 of this Law.

2. The magistrate, whose position is abolished in accordance with letter "b" paragraph 1 of this Article, shall: a) Be transferred to a position at the same level in the new structure having under its territorial powers the court or prosecution office, where the magistrate has previously exercised the function, or where this is not possible;

b) Have the right to choose to be transferred to any position at the same level that is vacant or expected to become vacant within six months upon the abolition of the position, in a court or prosecution office of the same level, of the same material competence.

3. In case of a temporary shortage of magistrates under letter 'ç' paragraph 1 of this Article, the Council shall assign a magistrate from the mobility scheme or shall temporarily transfer a magistrate in accordance with Article 46 of this Law.

4. A magistrate shall have the right to appeal before the court against a decision on a transfer without consent within 5 days from the notification of the decision of the Council. The examination of the appeal by the court shall not suspend the transfer decision.

Bosnia and Herzegovina

(2019): According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), HJPC may impose as a disciplinary measure a temporary or permanent reassignment to another court. According to the Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina, a judge may be assigned to perform judicial services in another court without his or her consent for a period of up to 3 months, in the event that such assignment is in order to participate in one particular case at the receiving court, or in the event that no other judge has consented to such an assignment. A judge may not be temporarily assigned to another court without his or her consent if he or she has been the subject of a temporary assignment in the preceding 12 months.

North Macedonia

(General Comment): The law on the Courts

Article 39

(1) The judge shall exercise the judicial function in the court where he/she is elected.

(2) As a rule, the judge shall be elected to try in specific areas.

(3) The judge cannot be transferred from one to another court against his/her will.

(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.

(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.

(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.

(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.

(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council 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 a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

(2022): Please, see the general comment.

(2021): Exceptions and safeguards - article 39 Law on courts

(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 of 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 temporarily transferred.

(11) The judge may file a complaint against the decision referred to in paragraphs (4), (7) and (9) of this Article within a period of three days to the general session of the Supreme Court of the Republic of North Macedonia, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council of the Republic of North Macedonia, which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council of the Republic of North Macedonia shall be final.

(2019): The law on the Courts

Article 39

(1) The judge shall exercise the judicial function in the court where he/she is elected.

(2) As a rule, the judge shall be elected to try in specific areas.

(3) The judge cannot be transferred from one to another court against his/her will.

(4) The assignment of judges shall be made by an annual work schedule defined by the president of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area.

(5) The length of judicial service and the results from the work shall be taken into consideration when appointing presidents of specialized departments and divisions.

(6) The judge cannot be transferred from one to another court division against his/her will. (7) The judge may require transfer from one to another division.

(8) As an exception, the judge may be transferred to another court division against his/her will by a written, explained decision of the president of the court, upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, when it is required by the increased workload and the subject of work of the court, but for a period of one year at the most and not more than once in five years. After expiring of the time for temporary transfer of the judge in another court division, he/she must be returned to the division from which he/she was transferred.

(9) As an exception, the judge of a court of appeal and a basic court may be temporarily, and at the most for a period of one year, transferred to another court in the same or lower instance or from one to another specialized division when due to prevention or recusal of a judge, or due to significantly increased workload, reduced efficiency, or due to the complexity of the cases the day- to-day operation of the court comes into question, but not more than once in five years. In the case of temporary transfer, the salary if the judge cannot be reduced. After expiring of the time for temporary transfer of the judge in another court or specialized division, he/she must be returned to the court, i.e. division from which he/she was transferred. (10) The temporary transfer of a judge referred to in paragraph (9) of this Article shall be made by the Judicial Council 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 a period of three days to the general session of the Supreme Court, which is obliged to decide upon the complaint within a period of seven days.

(12) The judge may file a complaint against the decisions referred to in paragraphs (8) of this Article within a period of three days to the Judicial Council , which shall be obliged to decide upon the complaint within a period of seven days. The decision of the Judicial Council shall be final

Serbia

(General Comment): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council.

(2021): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred 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 the lack, absence, or recusal of judges or other reasons impede or slow down the work of the court. The High Judicial Council in 2021 passed 13 decisions on the assignment of a judge to another court, 4 decisions on the assignment of a judges to the appellate courts, 3 decisions on the assignment of a judges to basic courts, and 6 decisions on the assignment of misdemeanor court judges to work in the Panel.

(2019): Irremovability of judges is one of the basic principles proclaimed by the Law on Judges. Article 19 Paragraph 1 of the Law on Judges provides that a judge may be transferred or assigned from one court to another, or to another state authority, institution, or international judicial organisation only with his/her consent. The transfer may be done with consent of the judge, to another court of the same type and instance, should there be a need for an urgent filling up of a judge vacancy, which cannot be resolved by election or referral of a judge, with the obtained consent of presidents of both courts. Such consent shall be given in writing and must precede the decision on transfer or assignment. Exceptionally, a judge may be transferred without his/her consent to another court in case of the abolishing of a court, abolishing of the prevalent part of the jurisdiction of the court to which he/she is elected, leading to a reduction of the number of cases, on the basis of the decision of the High Judicial Council. Pursuant Article 20 of the Law on Judges a judge may be assigned to work only in another court of same type 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, or recusal of judges or other reasons impede or slow down the work of the court.

Kosovo*

(General Comment): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

(2019): According to the Law on Kosovo Judicial Council, the judges can not be transferred to any other court against their will, except when it is necessary to ensure efficient functioning of the judiciary or to sentence a disciplinary measure.

Question 243

Albania

(General Comment): The High Inspector of Justice is a constitutional institution. Article 147/d/1 of the CONSTITUTION

The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

(2022): Disiplinary body (Hight Inspector of Justice)

(2021): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

(2019): The High Justice Inspector shall be responsible for the verification of complaints, investigation of violations on its own initiative and the initiation of disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, High Prosecutorial Council and the Prosecutor General, in accordance with the procedure defined by law.

Please note that these institutional changes were a result of the justice reform in Albania.

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). Disciplinary proceedings are initiated by the Office of Disciplinary Counsel of the HJPC. The latter receives and reviews complaints concerning the conduct of prosecutors, or runs cases on its own initiative. After the Office of Disciplinary Counsel receives a complaint and reviews it, the complaint can be immediately discarded or other necessary actions can be carried out, including launching of an investigation. If the Office of Disciplinary Counsel establishes that there is reasonable ground to believe that a prosecutor has made a disciplinary offence, it will launch an investigation of the facts and circumstances. If the investigation shows that the complaint is not founded or the allegations of the complaint cannot be verified and proven, the Office of Disciplinary Counsel will close the case and will not initiate disciplinary proceeding against a prosecutor. If the investigation shows that there is evidence to confirm allegations of misconduct of a prosecutor, the Office of Disciplinary Counsel will launch a disciplinary proceeding before the HJPC filing a disciplinary complaint. After filing the complaint, the Office of Disciplinary Counsel may offer the accused prosecutor a joint consent agreement for establishment of disciplinary liability for the committed disciplinary offences, which will be considered and approved by the competent panel of the HJPC.

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Montenegro

(General Comment): Article 110 par. 1 of the Law on State Prosecution Service 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 Monitoring the Application of the Code of Prosecutorial Ethics.

(2019): Article 110 par. 1 of the Law on State Prosecution Service (“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017 and 10/2018)

If there is a reasonable doubt that the state prosecutor has committed disciplinary offence, the motion for establishing disciplinary liability of the state prosecutor may be filed by the head of the state prosecution office, head of an immediately higher state prosecution office, Supreme State Prosecutor, Minister of Justice and Commission for Monitoring the Application of the Code of Prosecutorial Ethics.

North Macedonia

(General Comment): Law on Public Prosecution office 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 committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.

(2022): Please, see the general comment.

(2020): Law on Public Prosecution office (2020)

Article 93

(1) The proceedings for establishment of liability of public prosecutors for committed disciplinary infringement shall be conducted upon annotated proposal of the Chief Public Prosecutor of the Republic of North Macedonia for all public prosecutors, and upon annotated proposal of a Higher Public Prosecutor of a Higher Public Prosecutor’s Office for public prosecutors in a Higher Public Prosecutor’s Office, or the Basic Public Prosecutor of the Basic Public Prosecutor’s Office for public prosecutor in a basic public prosecutor’s office, ex officio or after obtained information on committed infringement. The applicant shall submit proofs for committed disciplinary infringement accompanying the proposal for initiation of disciplinary proceeding. Proceeding for establishment of public prosecutors' liability for committed disciplinary infringement shall be initiated within six months as from the day of becoming aware of the committed infringement, but no later than three years from the day when the infringement was committed.

(2019): Proposals for initiating a procedure for disciplinary liability are submitted by: State Public Prosecutor for all public prosecutors; Higher Public Prosecutor for Public Prosecutors in the Higher Public Prosecution Office, for the Chief Basic Public Prosecutor of the BPPO under that Higher Prosecution office and Basic Public Prosecutors under that Higher Public Prosecution office; Basic Public Prosecutor from the Basic Public Prosecution Office for Organized Crime and Corruption for the Public Prosecutors in that Prosecution Office and Chief Basic Public Prosecutor for basic public prosecutors in the prosecution office he manages.

Serbia

(General Comment): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State Prosecutorial Council and the Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency.

(2022): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

(2021): Anyone may file a complaint based on which disciplinary proceedings are formally initiated by the SPC disciplinary prosecutor

(2020): The reply was changed due to more specific interpretation given in the Explanatory Note

(2019): Anyone may file a disciplinary charge ("disciplinska prijava") for a purported disciplinary violation of a (deputy) public prosecutor based on which disciplinary proceedings may be formally initiated by the SPC Disciplinary Prosecutor before the Disciplinary Commission. In other words, disciplinary proceedings are conducted by the Disciplinary Commission on a proposal of the Disciplinary Prosecutor. However, the Disciplinary Prosecutor files the motion for the initiation of disciplinary proceedings on the basis of a disciplinary complaint/charge, which may be filed by anyone. The procedure is in more detail prescribed in the Rulebook on Disciplinary Procedure and Disciplinary Responsibility of Public Prosecutors and Deputy Public Prosecutors (Article 19). Furthermore, there are certain cases when certain institutions/individuals have a duty to file a disciplinary charge - in case of conflict of interest - State Prosecutorial Council and the Republic Public Attorney, or violation of anti-corruption legislation - the Anti-Corruption Agency. Therefore, we could choose only "Other"; State Prosecutorial Council and the Republic Public Attorney with this as an explanation, or interpret more widely and practically choose all options.

Kosovo*

(General Comment): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS

Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority. Put differently, citizens can file complaints to the Council and the Ombudsman can request the Council to initiate disciplinary investigations, but the Council is the sole competent authority to formally start disciplinary proceedings.

(2019): The Council shall initiate disciplinary procedures based on a request submitted pursuant to Article 9, paragraph 1 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS

Any natural or legal person can submit a complaint to the respective head of the prosecution office where the prosecutor is employed. When the complaint is sent to the non-competent authority, such authority transfers the complaint to the competent authority

Question 244

Albania

(2022): High Prosecutorial Council

(2019): 1. The prosecutor shall be disciplinarily liable in accordance with the law.

2. The prosecutor shall be dismissed upon decision of the High Prosecutorial Council when:

- a) Committing serious professional or ethical misconduct which discredit the position and the image of the prosecutor in the course of performing the duty;
- b) Sentenced by a final court decision for commission of a crime.

3. Against the dismissal decision may be appealed to the Constitutional Court.

4. The prosecutor shall be suspended from duty upon decision of the High Prosecutorial Council when:

- a) Upon him/her is imposed the personal security measure of “arrest in prison” or “house arrest” for commission of a criminal offence;
- b) He/she obtains the capacity of the defendant for a serious offence committed intentionally;
- c) Disciplinary proceedings being initiated under the law”.

Bosnia and Herzegovina

(General Comment): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC). The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detention, until pre-trial detention ends.

(2019): Prosecutors may be subject to disciplinary proceedings for violations stipulated by the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC), The Disciplinary Panels (first-and second instance) comprising of the members of the HJPC decide in disciplinary procedures initiated by the Office of Disciplinary Counsel against a prosecutor. During the disciplinary proceeding, the Office of Disciplinary Counsel may submit a request to remove the prosecutors temporarily from any duty, until the completion of the disciplinary proceeding on the basis of which there was a temporary removal from office. Temporary removal from office of a prosecutor can be requested until completion of an initiated dismissal procedure as well as until the termination of a criminal proceeding initiated against a prosecutor, while the temporary removal from office is mandatory in case when a prosecutor is in pre-trial detention, until pre-trial detention ends.

Montenegro

(General Comment): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service. "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 before Prosecutorial Council upon the motion to indict of the Disciplinary Plaintiff."

(2019): Authorities in Charge of Establishing Disciplinary Liability - Article 114 of the Law on State Prosecution Service ("Official Gazette of Montenegro", No. 11/2015, 42/2015, 80/2017 and 10/2018):
"The procedure for establishing disciplinary liability for minor and severe disciplinary offences shall be conducted before Disciplinary Panel upon the motion to indict issued by the disciplinary plaintiff. Disciplinary Panel shall comprise three members of the Prosecutorial Council, two of them from among the state prosecutors and one from among eminent lawyers who shall be the president of the Disciplinary Panel. Supreme State Prosecutor may not be a member of the Disciplinary Panel. Members of the Disciplinary Panel and their deputies shall be appointed by the Prosecutorial Council upon the proposal of the Prosecutorial Council President. The procedure for establishing disciplinary liability for the most severe disciplinary offences shall be conducted before Prosecutorial Council upon the motion to indict of the Disciplinary Plaintiff."

North Macedonia

(General Comment): Law on Public Prosecution office Article 93

(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.

(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.

(4) If the committee finds that there are no reasonable doubts for committed disciplinary infringement by the public prosecutor, it shall conclude that no proceeding will be initiated.

(5) If the committee finds that the proposal is grounded, it shall adopt a decision for initiation of a disciplinary proceeding.

(6) The public prosecutor against whom disciplinary proceeding is initiated shall be entitled to be heard before the Committee for establishing disciplinary responsibilities in a presence of a defense attorney, as well as to propose proofs in their own favour.

(7) If the Committee, with a majority of votes from the total number of its members, finds that disciplinary infringements has been committed, it shall adopt a decision and impose one of the prescribed sanction in Article 95 paragraph (1) indents 1 and 2, and paragraph (2) indent 1 of this Law.

(8) Committee members shall start voting from the more serious to milder ones when they vote on the type of disciplinary measures.

(9) The voting shall stop when a decision to impose disciplinary measure has been adopted.

(10) In the event when after the voting on each disciplinary measure no decision has been adopted with a majority of the total number of Committee members, the voting shall not be repeated, unless a total number of members submitted a proposal to repeat the voting for one of the measures, at the same session.

(11) If the majority of the Committee members consider that evidence for the existence of grounds for dismissal of a public prosecutor has been presented during the procedure, then, they may propose such dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, and the proposal shall also be submitted to the public prosecutor against whom the proceeding is initiated. Public prosecutor shall be entitled to an appeal against the proposal for their dismissal to the Council of the Public Prosecutors of the Republic of North Macedonia, within seven days from the submission of the proposal.

(2022): Please, see the general comment.

(2020): Law on Public Prosecution office (2020)

Article 93

(2) The proceedings for establishment of the public prosecutor's liability for committed disciplinary infringement in the exertion of the public prosecutorial office shall be led by a committee, composed of five members or their deputies, one of each higher public prosecutor's offices and one member from the PPO of the Republic of North Macedonia, elected by the college in the respective prosecutor's offices. A member or a deputy member of the committee shall be exempt if they are the applicants of the proposal.

(3) Prior to initiating a proceeding, the committee, after the receipt of the application, without any delays, shall request from the public prosecutor against which the proposal for initiating a proceeding has been submitted, to state their comments on the allegations in the proposal, in a written form, within five days of the notification.

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(2019): According to the provisions of the Law on Public Prosecutors, Chief Public Prosecutor establish a Commission, composed of five members for conducting on a proceeding for establishment of the disciplinary infringement and non-professional and unconscious exertion of the public prosecutorial office.

Serbia

(General Comment): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 12:

Disciplinary authorities are:

- Disciplinary prosecutor and his deputies;
- Disciplinary Commission and deputy members of the Disciplinary Commission;
- The council as a second instance disciplinary body.

(2022): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

(2019): A disciplinary body at the first instance, and the State Prosecutorial Council at the second instance.

Kosovo*

(General Comment): According to article 14 of the Law on disciplinary liability of judges and prosecutors, the Council, sole, decides whether the alleged disciplinary offence has been committed and imposes the disciplinary sanction (§3).

Question 245

Albania

(2019): 1. During the disciplinary proceeding, the magistrate or his representative has the right to know the documents of the file and to obtain copies thereof. Within five days of the submission of the request, the Council shall provide the magistrate with the conditions for obtaining access to the file, and make available copies of the documents.

1/1. The right of access to the file may be restricted only if it is indispensable, proportionate and when the disclosure of information causes an irreparable and serious damage to the following interests:

- a) fundamental rights of another person, or
- b) national security, as defined by the legislation on classified information, or
- c) prevention, investigation and prosecution of criminal offences;
- ç) equality of parties in a judicial process and progress of the judicial process

The right of access shall be limited as long as the above causes exist. In any case, the magistrate or his representative has access to the file before the Council takes the decision. 2.

A magistrate who is informed that a disciplinary proceeding has been instituted against him, he/she must at the same time be informed of the rights:

- a) To submit a written defence within a specified time;
- b) To attend the hearing;
- c) To call witnesses who may provide information of significance to the case;
- ç) To present documents;
- d) To take other measures for the purpose of providing evidence in support of his or her defence;
- dh) To be represented under the provisions of the Code of Administrative Procedures,
- e) Recover his/her legal costs reasonably incurred in cases where no disciplinary measure is imposed.

3. The Council may request the magistrate to submit information, documents or any evidence and to attend hearings.

4. The parties have the right to be notified on any decision of the Council within 5 days upon being made.

Bosnia and Herzegovina

(General Comment): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) ~~The~~ right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) ~~The~~ right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) ~~The~~ right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) ~~The~~ right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) ~~The~~ right to appeal adverse decisions.

(2019): The Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina Article 68

Rights of Parties during Disciplinary Proceedings

Disciplinary procedures shall be governed by fairness and transparency. During the course of disciplinary proceedings, the judge or prosecutor concerned shall have the following rights that must be guaranteed in the Rules of Procedure for disciplinary proceedings adopted by the Council:

- (a) ~~The~~ right to be duly notified of the allegations of the violation and the supporting evidence, along with the right to respond in writing or to have a verbal statement recorded in writing;
- (b) ~~The~~ right to a fair and public hearing within a reasonable time by an independent and impartial panel established by law. The press and public may be excluded from all or part of the hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the panel in special circumstances where publicity would prejudice the interests of justice;
- (c) ~~The~~ right to assert the privilege against self-incrimination and to appear at any hearing and defend against the allegations with legal counsel of choice; (d) ~~The~~ right that judgments shall be pronounced publicly and/or made public in some manner; and
- (e) ~~The~~ right to appeal adverse decisions.

Serbia

(General Comment): Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors, Article 22, Line 6: The prosecutor whose disciplinary liability is determined has the right to present his allegations orally before the Disciplinary Commission.

Article 24: The prosecutor whose disciplinary liability is determined has the right to:

- be informed about the reasons for initiating the procedure after checking the allegations of the disciplinary report by the Disciplinary Prosecutor;
- become familiar with the subject and accompanying documentation;
- to make a statement about the submitted and expanded Proposal;
- has a representative in all stages of the disciplinary procedure;
- requires that the discussion be public;

Article 109 of the Law on Public Prosecution “Status of public prosecutor or deputy public prosecutor in disciplinary proceedings”:

The public prosecutor, i.e. the deputy public prosecutor, has the right to be immediately informed about the proposal of the Disciplinary Prosecutor, to familiarize himself with the case and accompanying documentation, and to provide explanations and evidence for his allegations either himself or through a representative.

The public prosecutor, that is, the deputy public prosecutor, has the right to present his allegations orally before the Disciplinary Commission.

Decisions of the Disciplinary Commission

- to file an appeal against the decision of the Disciplinary Commission;
- to file an appeal against the second-instance decision.

Question 246

Albania

(2019): In terms of Law “On the status of judges and prosecutors”, as amended, submitting a disciplinary complaint and the initiation of a disciplinary investigation by the Chief Justice Inspector are two different legal concepts. In the transitional provisions of this law is stipulated that, until the establishment of the Chief Justice Inspector (not yet established), the investigation of disciplinary violations for prosecutors shall be conducted by the General Prosecutor. While, disciplinary measure is taken by the High Prosecutorial Council. The General Prosecution, exercising the competencies of Chief Justice Inspector has 3 months to assess the admissibility of the complaint as well as 6 months to conduct a disciplinary investigation, with the option of delaying another 3 months. After these terms, Chief Justice Inspector starts a disciplinary proceeding submitting the report and the folder (documents) of investigation to the High Prosecutorial Council.

During 2019, only in 1 (one) case a prosecutor was dismissed from the High Prosecutorial Council, for committing the criminal offence (Article 300, of the Criminal Code).

Bosnia and Herzegovina

(General Comment): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2022): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

(2021): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

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 the Office of Disciplinary Counsel at HJPC.

(2020): Some cases against prosecutors were initiated for two or more disciplinary mistakes. Such cases were counted only once in accordance with the Explanatory note. The main mistake for those disciplinary cases was determined in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor's office.

Number of initiated cases is significantly lesser in 2020 than in the previous report (11). It should be noted 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).

(2019): Some proceedings against prosecutors were initiated for both breach of professional ethics and professional inadequacy. According to your instruction, we tried to list the “main reasons” for initiating proceedings, in our best estimate.

For purpose of the Questionnaire, the following disciplinary offences are listed as the professional inadequacies:

1. Neglect or careless exercise of official duties;
2. Unjustified delays in performing any acts related to the exercise of prosecutorial functions, or any other repeated disregard of the duties of the prosecutor;
3. Failing to carry out instructions of a superior prosecutor under whose authority they serve, unless the carrying out of such instruction would itself constitute a violation of law or this Article;
4. Failure, for an unjustified reason, to comply with the decisions, orders or requests of the Council;
5. Failure to fulfil any mandatory training obligations or any other obligations imposed by law;
6. Failure to comply with the decision on temporary transfer to another prosecutor’s office.

It should be noted that number of initiated proceedings is the highest since the establishment of the HJPC, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

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.

(2019): During 2019, there were no disciplinary proceedings initiated.

North Macedonia

(2020): Law on Public Prosecution office (2020)

DISCIPLINARY INFRINGEMENT

Article 90

Disciplinary infringements committed by public prosecutor shall be:

- Serious disciplinary infringement and
- Mild disciplinary infringement.

Article 91

Serious disciplinary infringement shall be:

- serious violation of the public order and peace and other more serious forms of inappropriate behavior, thus undermining the repute of the public prosecutors and public prosecution offices, - if he/she fails to submit declaration of assets and interests in accordance with the law, or if the data contained in the declaration are mostly untrue,
- obvious violation of rules for exemption in situations where the public prosecutor knew or should have known that grounds for exemption existed, as set by law, - if he or she has been convicted for a crime with an effective verdict and sentenced to imprisonment less than six months or other criminal sanction for a crime resulting directly from the execution of the prosecutorial function, intentionally or due to gross negligence, or
- if they disclose classified information, that is, disclose information and data on court cases, thus violating the obligation to keep the secrecy of the procedure as set by law and when public is excluded under the law,
- if they deliberately and unjustifiably commit gross professional mistake, however, the different interpretation of the law and facts may not be considered grounds for determination of liability of public prosecutor,
- precluding the senior public prosecutor from exercising an oversight of the work of public prosecutors, - if they fail to deal with the cases in the prescribed legal deadlines, without justifiable reasons, which leads to significant delay of the procedure or, the criminal prosecution falls within statute of limitation,
- if they do not start working on cases under the successive order as received through the Case Management Information System in the public prosecution, without any justifiable reason, - if they were assessed negatively twice consecutively, in accordance with the procedure prescribed by law, or - if they do not act upon the obligatory general written instructions of the senior public prosecutor, at the time of their issuance, as stipulated by this Law.

Article 92

Mild disciplinary infringement shall be:

- minor violation of the public order and peace and other more serious forms of inappropriate behaviour, thus undermining the repute of the public prosecutors and public prosecution offices,
- non-fulfilment of mentor-like obligations, - violation of rights related to absence from work, - if they do not show up or are unjustifiable late for the scheduled hearings or court

Serbia

(General Comment): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

(2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Kosovo*

(2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not respecting given deadlines, which is mainly the case.

Question 247

Bosnia and Herzegovina

(2020): Number of completed cases is significantly lesser in 2020 than in the previous report (13). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of 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 utvrđena povreda.

(2019): Severe disciplinary offence - failing to submit data on property and incomes in accordance with the legislation regulating prevention of conflict of interests, from art. 108 par. 2 point 8 of the Law on State Prosecution Service.

Serbia

(2019): “Professional inadequacy” means if the Public Prosecutor or Deputy Public Prosecutor commits a disciplinary offense if:

- does not make public prosecutorial decisions and does not file regular and extraordinary legal remedies within the prescribed period;
- often misses or is late to scheduled hearings, hearings and other procedural actions in cases assigned to him;
- refuses to perform the tasks and tasks entrusted to him; etc.

Kosovo*

(2019): Professional inadequacy refers to violations of professional work by prosecutors, such as not respecting given deadlines, which is mainly the case.

Question 248

Albania

(2022): In the case of the second disciplinary proceeding completed during 2022, the High Justice Inspector has proposed to the High Prosecutorial Council, the appointment of the disciplinary measure "Public notice" for the prosecutor and for the head of the prosecution office, for the disciplinary violations provided in Article 102/1, letters "ç", "dh", and "l", of the Law "On the status of judges and prosecutors in the Republic of Albania", as amended. At the end of the disciplinary proceeding, with Decision no. 31, dated 24.02.2022, High Prosecutorial Council rejected the proposal of the High Justice Inspector to give the disciplinary measure "Public notice" to the two magistrates.

(2020): The proposal of Chief Justice Inspector for disciplinary measure "Public remark" for a prosecutor was found not based in law from the majority of members of the Council and the proposal was rejected by the Decision no. 269, dated 17.12.2020, of High Prosecutorial Council.

Bosnia and Herzegovina

(2022): There was a difference between the number of disciplinary proceedings (13) and the number of penalties (10). This difference occurred because a disciplinary lawsuit was rejected in (3) cases.

(2020): Number of sanctions pronounced is significantly lesser in 2020 than in the previous report (12). It should be noted that COVID-19 related issues had impact on work of disciplinary bodies, including lesser number of received complaints compared to prior year (15% for both judges and prosecutors).

In 2020 only one sanction was pronounced against a prosecutor for the following reasons: out of 5 completed cases, 3 cases were dismissed and in one case a prosecutor died during the proceedings.

Although no suspension was imposed as disciplinary sanction in 2020, it should be noted that 4 prosecutors remain suspended as a result of criminal proceedings initiated against them before 2020.

(2019): As “other” measure, there is a written warning which shall not be made public, imposed against 4 prosecutors. This is a non-public measure.

The number of completed cases (13) is higher than the number of initiated proceedings (11). Usually, it takes up to six months (and sometimes more) for disciplinary bodies to complete disciplinary proceedings if they reach the Council as third instance. Therefore, some of the proceedings initiated in 2018 were completed in 2019.

Although no suspension was imposed as disciplinary sanction in 2019, it should be noted that there is ongoing suspension of 5 prosecutors, emanating from criminal proceedings initiated against them before 2019.

It should be noted that number of initiated proceedings and the number of sanctions pronounced against prosecutors is the highest since the establishment of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, because of high number of grounded complaints as well as an increase in the number of the Office of Disciplinary Counsel staff.

Serbia

(2022): Other: ban on promotion for period of 3 years

(2021): Other: ban on promotion in 3 years period

Kosovo*

(General Comment): Law on disciplinary liability of judges and prosecutors:

Article 7

Disciplinary sanctions

1. One or more of the following disciplinary sanctions may be imposed by the Councils on judges and prosecutors for a disciplinary offense:
 - 1.1. non-public written reprimand;
 - 1.2. public written reprimand;
 - 1.3. temporary wage reduction up to fifty percent (50%) for a period of up to one (1) year;
 - 1.4. temporary or permanent transfer to a lower level court or prosecution office;
 - 1.5. proposal for dismissal.
2. Disciplinary sanctions shall be imposed only in compliance with the principle of proportionality and taking into account:
 - 2.1. the number and seriousness of the disciplinary offenses committed by a judge or prosecutor;
 - 2.2. the consequences of a disciplinary offense;
 - 2.3. the circumstances under which the disciplinary offense was committed;
 - 2.4. the overall performance and behaviour of the judge or prosecutor;
 - 2.5. the behaviour and level of cooperation of the judge or prosecutor during the disciplinary proceedings.
3. A decision on the disciplinary liability of a judge or prosecutor shall be issued also in cases when a judge or prosecutor has after the initiation of disciplinary procedures resigned from duty or whose function as a judge or prosecutor was terminated in any other manner.
4. With the exception of the non-public reprimand, all final decisions on disciplinary sanctions shall be published without delay, but not later than fifteen (15) days, by the respective Councils on their web-site.
5. The Council shall maintain a disciplinary evidence record which shall register all disciplinary

(2022): During 2022 KPC received 9 requests for initiating disciplinary procedures against prosecutors. Based on these, KPC established 8 investigative panels, and dismissed 1 request for initiation disciplinary procedures.

9 cases were transferred from 2021 and as such in total KPC took 15 disciplinary decisions and 2 other cases are still ongoing.

(2021): The one reprimand case was (non public written reprimand) and the 3 withdrawn from cases no 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.

(2019): At the 'other' category, we put 2 cases where the report of the Office of the Disciplinary Counsel was refused (before entry into force of the new Law)

Question 250

Serbia

(General Comment): Rulebook on disciplinary procedure and disciplinary responsibility of public prosecutors and deputy public prosecutors Article 29:

Against the decision of the Disciplinary Commission, an appeal can be filed with the Council within eight days from the day of delivery of the decision.

Appeals can be filed by the Disciplinary Prosecutor, the prosecutor whose disciplinary responsibility is being determined, and his attorney.

The complaint contains:

- the number and date of the decision of the Disciplinary Commission against which the appeal is filed;
- proposal to challenge the decision in its entirety or in a certain part;
- grounds and reasons for appeal;
- signature.

The Disciplinary Commission delivers the appeal together with the attachments to the other party in the procedure for a response.

The party may submit an answer to the appeal to the Chamber within three days from the date of receipt of the appeal.

An appeal against the decision on dismissal can be submitted to the Constitutional Court within 30 days from the date of delivery of the decision, in which case the procedure is conducted on the basis of the Law on Public Prosecution.

Question 251

Albania

(2022): Article 147 of the Law no. 96/2016 ON THE STATUS OF JUDGES AND PROSECUTORS
IN THE REPUBLIC OF ALBANIA

Right to Appeal Disciplinary Decisions

1. The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court.
2. The High Justice Inspector shall have the right to appeal any decision of the Council in disciplinary matters before the competent court.

(2020): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court. Against the dismissal decision may be appealed to the Constitutional Court.

(2019): The magistrate shall have the right to appeal a decision imposing a disciplinary measure before the competent court. Against the dismissal decision may be appealed to the Constitutional Court.

Bosnia and Herzegovina

(General Comment): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

(2019): Decisions of first-instance disciplinary panel can be appealed to a second-instance disciplinary panel. Decisions of second- instance disciplinary panel decisions can be appealed to the High Judicial and Prosecutorial Council, but only regarding pronounced disciplinary sanction. In the event of removal from office, appeal is possible to the Court of Bosnia and Herzegovina (Court of BiH). There is also a possibility of appeal to the Constitutional Court of Bosnia and Herzegovina, against final decision of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina (HJPC)/Court of BiH, regarding possible breach of appellant’s right prescribed by European Convention of Human Rights, in disciplinary proceedings. The Constitutional Court can revoke decisions of the HJPC.

North Macedonia

(General Comment): Law on Public Prosecution office 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

(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: -~~a~~ written warning, -~~b~~ salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed:

-~~b~~ 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.

(2022): Please, see the general comment.

(2020): Law on Public Prosecution office (2020)

Article 94

(1) The Committee shall impose a disciplinary measure as referred to in Article 95 indents 1 and 2 and paragraph (2) indent 1 of this Law. The Council of the Public Prosecutors of the Republic of North Macedonia shall decide upon the appeal against the Committee's decision and upon appeal submitted against the proposal for dismissal, or upon the expiry of a deadline when no appeal was filed, and it may overrule, reverse or confirm the Committee's decision, or accept or refuse the dismissal proposal.

(2) The Council of the Public Prosecutors of the Republic of North Macedonia shall adopt a decision for dismissal of a public prosecutor in a procedure set by law.

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(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

(1) When a mild disciplinary infringement by a public prosecutor is established, one of the following disciplinary measures may be imposed: - a written warning, - salary reduction in the amount of up to 15% of the monthly salary of the public prosecutor for a period of one to six months. (2) When a serious disciplinary infringement by a public prosecutor 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
- dismissal.

(2019): On the decision of the Commission, the person against whom the procedure is being conducted and the submitter of the proposal for initiating a procedure for disciplinary liability, within 8 days have the right to appeal to the Council of Public Prosecutors.

The decision on the appeal Council is adopt with a majority from the total number of members with a public vote.

In the case of a dismissal disciplinary measure from the position of Public Prosecutor, the Council is adopting the decision by a two-thirds majority vote of the total number of members of the Council.

Deciding on an appeal, the Council may repeal, amend, change or confirm the decision of the Commission.

Against the decision of the Council by which a measure of dismissal has been pronounced, the dismissed public prosecutor has the right to initiate an administrative dispute before the competent court.

Serbia

(General Comment): State Prosecutorial Council

(2022): Appeal can be filed to the State Prosecutorial Council exclusively.

9. Alternative Dispute Resolution - Overview

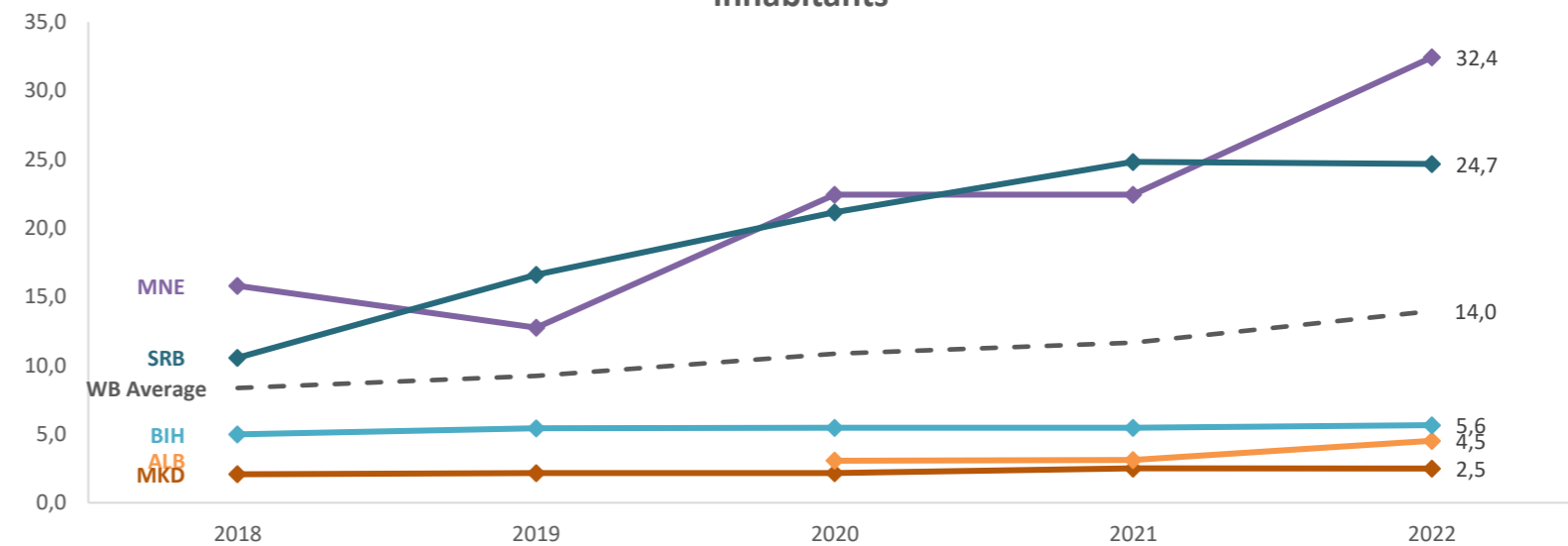
Number of accredited mediators and number of cases in court related mediation

Number of accredited mediators and its variations between 2018 and 2022 and between 2021 and 2022 (Tables 9.1.3 and 9.1.4)

Beneficiaries	Number of accredited mediators			
	2022		Variation 2018 - 2022 (%)	Variation 2021 - 2022 (%)
	Absolute number	Per 100 000 inhabitants		
Albania	126	4,5	NA	44,8%
Bosnia and Herzegovina	195	5,6	12,1%	2,6%
Montenegro	201	32,4	105,1%	44,6%
North Macedonia	46	2,5	7,0%	0,0%
Serbia	1 677	24,7	128,2%	-1,6%
Kosovo*	189	10,4	NA	NA
WB Median	195	5,6	58,6%	2,6%

For reference only: the 2021 EU median is 16,2 number of mediators per 100 000 inhabitants.

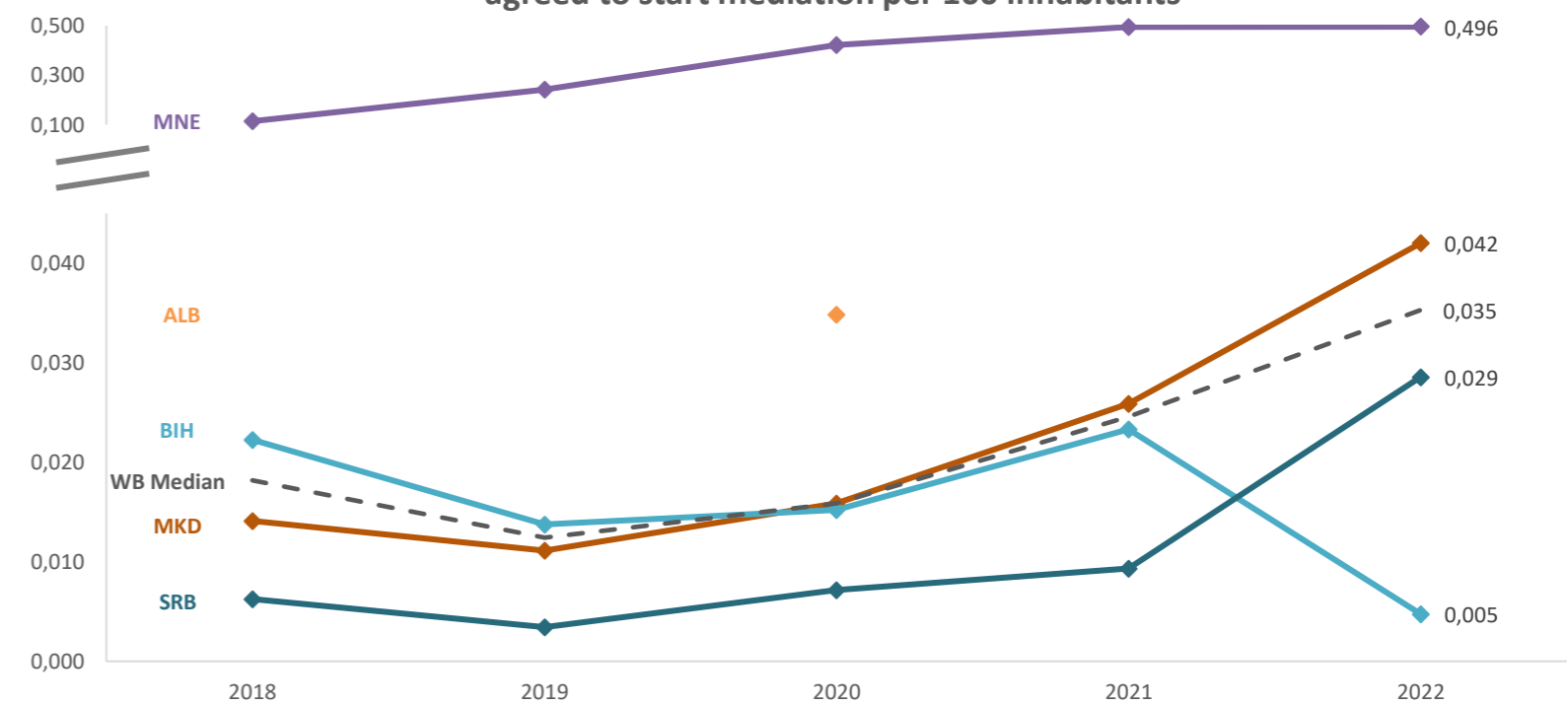
Figure 9.1 Evolution of the number of accredited mediators per 100 000 inhabitants



Number of cases of court-related mediations and its variation between 2021 and 2022 (Table 9.1.6)

Beneficiaries	Number of court related mediation cases					
	Cases with agreement to start mediation		Finished court-related mediations		Cases with a settlement agreement	
	2022	Variation 2021 - 2022 (%)	2022	Variation 2021 - 2022 (%)	2022	Variation 2021 - 2021 (%)
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	164	-79,8%	122	-81,5%	117	-80,3%
Montenegro	3 074	0,0%	3 074	61,5%	2 397	82,3%
North Macedonia	772	62,5%	695	46,3%	354	128,4%
Serbia	1 942	202,5%	NA	NA	NA	NA
Kosovo*	7 505	NA	2 426	NA	NA	NA
WB Median	1 357	31,3%	695	46,3%	354	82,3%

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. Alternative Dispute Resolution - 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 2022 (Q252, Q253, Q254 and Q256)

Table 9.1.2 Providers of court-related mediation services by case types in 2022 (Q255)

Table 9.1.3 Number of accredited mediators between 2018 and 2022 and their gender distribution in 2022 (Q257)

Table 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2018 and 2022 (Q1 and Q257)

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2022 (Q257-1)

Table 9.1.6 Number of cases of court related mediation in 2022 (Q258)


Table 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2022 (Q1 and Q258)

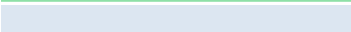
Table 9.1.8 Existence of other alternative dispute resolution methods in 2022 (Q259)

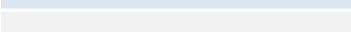
Table 9.1.1 Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2022 (Q252, Q253, Q254 and Q256)

Beneficiaries	Existence of court-related mediation, types of mandatory mediation or informative sessions and legal aid for court mediation in 2022				
	Court related mediation	Mandatory mediation with a mediator		Mandatory informative sessions with a mediator	Possibility to receive 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	Yes	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 9.1.2 Providers of court-related mediation services by case types in 2022 (Q255)

Beneficiaries	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 Judge	Private mediator Public authority Judge
Kosovo*	Public authority Judge	Public authority Judge	Public authority Judge	Public authority Judge	Public authority Judge	Public authority Judge

* This designation is without prejudice to positions on 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 2022 and their gender distribution in 2022 (Q257)

Beneficiaries	Number of accredited mediators							Gender distribution of mediators in 2022	
	2018	2019	2020	2021	2022	Variation 2018 - 2022 (%)	Variation 2021 - 2022 (%)	% Males	% Females
Albania	NA	NA	87	87	126	NA	44,8%	46,0%	54,0%
Bosnia and Herzegovina	174	189	190	190	195	12%	2,6%	45,6%	54,4%
Montenegro	98	79	139	139	201	105%	44,6%	29,9%	70,1%
North Macedonia	43	45	45	46	46	7%	0,0%	41,3%	58,7%
Serbia	735	1 156	1 470	1 705	1 677	128%	-1,6%	31,7%	68,3%
Kosovo*	-	189	190	NA	189	NA	NA	65,1%	34,9%
Average	263	367	386	433	449	63,1%	18,1%	38,9%	61,1%
Median	136	134	139	139	195	58,6%	2,6%	41,3%	58,7%
Minimum	43	45	45	46	46	7,0%	-1,6%	29,9%	54,0%
Maximum	735	1 156	1 470	1 705	1 677	128,2%	44,8%	46,0%	70,1%

* 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 9.1.4 Number of accredited mediators per 100 000 inhabitants between 2018 and 2022 (Q1 and Q257)

Beneficiaries	Number of accredited mediators per 100 000 inhabitants				
	2018	2019	2020	2021	2022
Albania	NA	NA	3,1	3,1	4,5
Bosnia and Herzegovina	5,0	5,4	5,4	5,5	5,6
Montenegro	15,8	12,7	22,4	22,4	32,4
North Macedonia	2,1	2,2	2,2	2,5	2,5
Serbia	10,6	16,6	21,1	24,8	24,7
Kosovo*	-	10,6	10,7	NA	10,4
Average	8,4	9,2	10,8	11,7	14,0
Median	7,8	9,1	5,4	5,5	5,6
Minimum	2,1	2,2	2,2	2,5	2,5
Maximum	15,8	16,6	22,4	24,8	32,4

* 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 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2022 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2022
Albania	<p>According to article 4 and 5 of Law no. 26/2018 "On some additions amendments to Law no. 10385, dated 24.02.2011"</p> <p>The mediator exercises the activity, as a natural or legal person, after his/her licensing and registration with the Register of Mediators, according to this law. The mediator, upon successful completion of the initial training and the qualifying examination, has the right to present the documentation for being granted the licence of mediator with the Minister of Justice.</p> <p>The Minister of Justice shall licence, within 45 days from the submission of the request for licensing, the subjects interested that fulfil the criteria of article 5 of this law for exercising the activity of mediation, which register at taxation bodies, in line with the legal acts in force. The activity of these subjects is under category XI.3 of the Appendix attached to law no.10081 of 23 February 2009 "On licenses, authorizations and permits in the Republic of Albania", amended.</p> <p>The licensing process has been profoundly changed and articles 4 and 5 have been completely rewritten. According to the last amendments to these articles, the broker, who must be an Albanian citizen at least 28 years old, must fulfill the following conditions to apply for a license:</p> <ul style="list-style-type: none"> to have complete second cycle study programs; have professional experience of not less than 3 (three) years; not having been convicted for the intentional commission of criminal offenses by a final court decision; <p>Foreign citizens who are licensed in their countries as mediators also have the permission to practice the profession of mediator. The rules and procedures for the recognition of the intermediate title acquired in a foreign country are determined by order of the Ministry of Justice.</p>
Bosnia and Herzegovina	<p>The Law on mediation procedure determines the requirements for conducting the mediation as follows.</p> <p>The mediator may be a person meeting general requirements for employment.</p> <p>In addition, the mediator must meet the following requirements:</p> <ol style="list-style-type: none"> a) a university degree, b) completed training in mediation according to the program of the Association of mediators or according to another training programs recognized by the association, c) entry into the registry of mediators held by the association.

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2022 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2022
Montenegro	<p>Requirements and procedure for granting mediators with licence is defined by the Law on Alternative Dispute Resolution (art. 39 and 41)</p> <p>Licence for the work of mediators shall be granted to the person:</p> <ol style="list-style-type: none"> 1) who holds Montenegrin nationality or nationality of a Member State of the European Union; 2) who holds the VII1 level of educational qualification; 3) who has general health capacity; 1)who has minimum five years of work experience in the jobs where the VII1 level of education qualification is required; 2) who completed a training programme for mediators; 3) who has not been convicted of any offence which makes him unworthy of conducting mediation; 4)who has not been imposed security measure which involved prohibition to take up occupation, perform activity or duty; 5) against whom no criminal proceedings are conducted for the criminal offence for which prosecution is initiated ex officio. The training for mediators is organized and delivered by the Centre for ADR, after which the Centre issues a certificate on completed training referred to in paragraph 1 item 5 of this Article. The program of training referred to in paragraph 1 item 5 of this Article, the manner of implementing the training and the template for the certificate on completed training shall be stipulated by the Ministry of Justice. The person who meets requirements set out in Article 39 paragraph 1 of this Act, shall be granted with operating licence for mediator by the Ministry of Justice. Licences are issued for a five-year period and they may be extended by the same period in accordance with this Act.
North Macedonia	<ul style="list-style-type: none"> - Diploma for completed higher education VII/I or 300 credits according to the European credit transfer system (ECTS) in the Republic of North Macedonia or a solution for recognition of an appropriate higher education qualification acquired abroad issued from the Ministry of Education and Science; - a certificate of completed basic training for a mediator according to an accredited program of this type of at least 70 hours in the Republic of North Macedonia; - certificate of at least three years of work experience after graduating from university education; - confirmation of having followed four or more mediation procedures before a mediator, which are recorded in the Register, issue from Mediation Council; - certificate of citizenship of the Republic of North Macedonia and - conducted a psychological test and an integrity test issued by a licensed professional person.
Serbia	<p>The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrollment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.</p>

Table 9.1.5 Requirements and procedure to become an accredited or registered mediator in 2022 (Q257-1)

Beneficiaries	Requirements and procedure to become an accredited or registered mediator in 2022
<p>Kosovo*</p>	<p>A mediator may be any person who meets the conditions:</p> <ul style="list-style-type: none"> - shall possess a university degree; - shall have the capacity to act; - shall have successfully passed the training course for mediation, including the solution of practical cases within the training and under the supervision of a licensed mediator. <p>The person who successfully completes the training for mediators shall be equipped with a certificate, which shall serve as the basis for entry in the registry of mediators.</p> <p>Certification of mediators shall be conducted by the Minister of Justice.</p> <p>The Ministry of Justice licenses mediators who fulfil the following criteria:</p> <ol style="list-style-type: none"> 1. is certified as a mediator; 2. not have been convicted of a criminal offense; 3. have high professional reputation and moral integrity. <p>The Ministry of Justice suspend or revokes the license of a mediator, in accordance with the Law on Mediation.</p> <p>6. A mediator’s license shall be revoked in the following cases:</p> <ol style="list-style-type: none"> 1. if against him/her was initiated a criminal procedure, respectively, he/she has been convicted for a criminal offence by a final judgement; 2. for a serious violation of the Code of Ethics. <p>7. Decision of the Minister from paragraph 4 and 5 of this Article is final in the administrative procedure.</p> <p>Trainings for mediators is organized by the Ministry of Justice.</p> <p>Law on mediation: https://gzk.rks-gov.net/ActDetail.aspx?ActID=17769</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.

Table 9.1.6 Number of cases of court related mediation in 2022 (Q258)

Beneficiaries	Number of cases of court related mediation in 2022																							
	Total 1+2+3+4+5+6+7			Civil and commercial cases (1)			Family cases (2)			Administrative cases (3)			Labour cases including employment dismissal cases (4)			Criminal cases (5)			Consumer cases (6)			Other cases (7)		
	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	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	NA	NA	NA
Bosnia and Herzegovina	164	122	117	153	111	106	1	1	1	1	1	1	9	9	9	0	0	0	0	0	0	0	0	0
Montenegro	3 074	3 074	2 397	2 395	2 395	1 967	154	154	102	NAP	NAP	NAP	490	490	297	22	22	22	0	0	0	13	13	9
North Macedonia	772	695	354	362	325	14	1	1	0	NAP	NAP	NAP	405	366	337	3	3	3	1	0	0	0	0	0
Serbia	1 942	NA	NA	541	NA	NA	136	NA	NA	3	NA	NA	121	NA	NA	15	NA	NA	318	NA	NA	808	NA	NA
Kosovo*	7 505	2 426	NA	5 887	NA	1 201	NA	NA	NA	NA	NA	NA	NA	NA	NA	1 618	NA	1 225	NA	NA	NA	NAP	NAP	NAP
Average	1 488	1 297	956	863	944	696	73	52	34	-	-	-	256	288	214	10	8	8	80	0	0	205	4	3
Median	1 357	695	354	452	325	106	69	1	1	-	-	-	263	366	297	9	3	3	1	0	0	7	0	0
Minimum	164	122	117	153	111	14	1	1	0	-	-	-	9	9	9	0	0	0	0	0	0	0	0	0
Maximum	3 074	3 074	2 397	2 395	2 395	1 967	154	154	102	-	-	-	490	490	337	22	22	22	318	0	0	808	13	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 9.1.7 Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2022 (Q1 and Q258)

Beneficiaries	Evolution of total number of cases of court related mediation per 100 inhabitants from 2018 to 2022														
	2018			2019			2020			2021			2022		
	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	0,035	NA	0,034	NA	NA	NA	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	0,005	0,004	0,003
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	0,496	0,496	0,387
North Macedonia	0,014	NA	0,007	0,011	NA	0,003	0,016	0,016	0,006	0,026	0,026	0,008	0,042	0,038	0,019
Serbia	0,006	NA	NA	0,003	0,003	0,002	0,007	0,001	NA	0,009	NA	NA	0,029	NA	NA
Kosovo*	-	-	-	NA	NA	NA	0,182	0,181	0,150	NA	NA	NA	-	-	NA
Average	0,039	-	0,029	0,067	0,054	0,039	0,099	0,078	0,065	0,139	0,117	0,079	0,143	0,179	0,136
Median	0,018	-	0,018	0,012	0,013	0,008	0,016	0,015	0,024	0,025	0,026	0,017	0,035	0,038	0,019
Minimum	0,006	-	0,007	0,003	0,003	0,002	0,007	0,001	0,006	0,009	0,019	0,008	0,005	0,004	0,003
Maximum	0,114	-	0,061	0,241	0,146	0,136	0,422	0,279	0,205	0,496	0,307	0,212	0,496	0,496	0,387

* This designation is without prejudice to positions on 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*

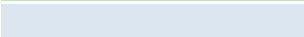
North Macedonia: Because of the 2021 Census, the number of inhabitants changed dramatically between 2020 and 2021. For this reason, all the variations of values standardised by the number of inhabitants are mainly due to the variation in the population.


Table 9.1.8 Existence of other alternative dispute resolution methods in 2022 (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.

Yes 

No 

NA 

NAP 

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 charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Albania

Q253 (General Comment): If there is mandatory mediation, please specify which fields are concerned: The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation. When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision.

In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

Hence, there is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court.

Q253 (2019): The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation. When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision. In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

Hence, there is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court.

Q254 (2021): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

Q254 (2020): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

Q254 (2019): Civil case, family case, criminal case, work case

Q255 (General Comment): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon complaint of the injured party, and also to any other cases allowed by special law. For mediation in criminal cases involving children provisions of the criminal code for minors are applicable.

Q255 (2019): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon complaint of the injured party, and also to any other cases allowed by special law. For mediation in criminal cases involving children provisions of the criminal code for minors are applicable.

Q258 (2019): Statistics are not available at this time.

Q259 (General Comment): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle their dispute with the assistance of a mediator.

Q259 (2019): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle their dispute with the assistance of a mediator.

Bosnia and Herzegovina

Q252 (General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that 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 recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

Q252 (2019): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In less complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

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.

Q257 (General Comment): The Law on mediation procedure governs the mediation procedure on the territory of Bosnia and Herzegovina. The mediation tasks are by a separate law transferred to the association of mediators by the 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 mediator will submit proof of payment of the registration fee to the Association of Mediators. 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.

Q257-1 (General Comment): 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 mediator will submit proof of payment of the registration fee to the Association of Mediators. 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 (2022): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2022 compared to 2021. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

Q258 (2021): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.

Q258 (2020): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. According to the Association the number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

Q258 (2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

Q259 (General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing 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 Agency for Labour cases etc.

Q259 (2019): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

Montenegro

Q253 (General Comment): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in

Q253 (2020): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in bankruptcy procedure is referred to civil procedure; 3) in other cases required by special law (family disputes, labour disputes)

Q253 (2019): In the divorce disputes upon the lawsuit of one of the spouses, mediation procedure is carried out in accordance with the Law on Mediation and Family Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.

Upon receipt of the lawsuit, the court will schedule a hearing and ask the spouses to immediately state which mediator they want to address in order to attempt to reconcile or reach an agreement on regulating legal consequences of the divorce. If spouses do not reach an agreement on the mediator, they will be appointed by the court. If the spouses are reconciled, the lawsuit is deemed to be withdrawn.

The mediator is obliged to inform the court to which the lawsuit is filed about the success of the mediation and to provide him with the minutes of the conciliation and a record containing the agreement of spouses on exercising the parental right and on the division of the joint property or the statements of the spouses that the agreement has not been reached.

Also, in Article 27a of the Law on Mediation it is stipulated in which cases the court is obliged to refer the parties to a meeting with the mediator:

1. when provided for by a special law
2. when he or she determines that it is in the best interest of the child whose rights and interests it decides
3. when litigation in property law litigation is initiated requiring fulfillment of the obligation to perform, in:
 - the disputes in which Montenegro is liable
 - small claims
 - Economic disputes
 - disputes involving more than five parties on one side
 - disputes concerning the division of property of spouses

Q254 (2022): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

Q254 (2020): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

Q254 (2019): Not for the time being, although the proposal for the new Law on the ADR provides for such an obligation in certain types of disputes

Q256 (General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

Q256 (2019): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators.

Q257 (General Comment): Licensing of mediators is prescribed by the Law on ADR in articles 39 and 41. In order to 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 who meets above mentioned requirements shall be granted operating licence for mediator, which is issued by the Ministry for a five-year period and it may be extended by the same period in accordance with the Law on ADR.

Q257 (2022): new mediators accredited in the meantime

Q257 (2021): Number of mediators was not changed in 2021 in relation to 2020, but in 2021 32 candidates for 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.

Q257 (2020): Adoption of the new Law on ADR, in August 2020, led to the significant increase of a number of cases referred to the Center for mediation procedure, by courts and citizens and thus to the need for training of new mediators. In addition, according to the analysis done by the Centre, there is a need for additional increase of a number of mediators in some municipalities.

When it comes to the numbers of male and female mediators, we have to say that there are still more female than male mediators.

Q258 (2022): Report on the work of the ADR Centre;

Also, the total number of received requests for mediation in 2022 is 10773. At the end of 2022 there were 2625 cases are pending.

Q258 (2021): Regarding the increase in the number of mediations civil and commercial cases we have to say that this 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 reporting year, and do not appear in the next year.

Q258 (2020): ADR Centre annual report for 2020 <https://centarzaars.me/izvjestaji/>

Number of cases resolved in the mediation procedure in 2020 has been increased mainly due to the adoption of new Law on ADR and raising of the public awareness on alternative dispute resolution methods, but this still is not on satisfactory level.

Q258 (2019): There has been a significant increase since 2018 in the number of civil and commercial and labor cases for which parties agreed to start mediation, and therefore an increase of mediations in which an agreement has been reached for those categories of cases.

This is notably due to the promotion of mediation. First, in the last year the Center for Mediation implemented a large number of activities aimed at promoting and raising the level of information of citizens (broadcasting video, mobile application, billboards, mediation week, etc.). Also, the increase of mediation in any type of disputes leads to increased information of citizens and thus the decision of citizens to try to resolve their dispute before the Center. In general, the judges themselves in some courts who referred cases to the Center have a very positive experience with mediation, which increase the number of parties that they refer to mediation. As far as lawyers are concerned, there is still issue with accepting dispute resolution in mediation, although the situation is slowly changing and an increasing number of lawyers are accepting mediation.

Furthermore, regarding labor cases, the change of the Law on Mediation in March 2019, as well as the change of the Law on Civil Servants and State Employees in the same year, led to the fact that civil servants and state employees are obliged to try to resolve their labor dispute, before filing a lawsuit, before the Center for Mediation also, which was not the situation before.

Q259 (2022): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.

Arbitration is regulated by the Law on Arbitration.

There is also peaceful resolution of conflicts in the area of labour etc.

Q259 (2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020.☐

Q259 (2019): Parties in labor disputes - both individual and collective, may, in accordance with the Law on Peaceful Settlement of Disputes, voluntarily decide to entrust the settlement of the dispute to the facilitator or arbitrator.

Facilitator is a person who provides assistance to parties in a collective dispute and gives a recommendation with the aim of concluding a dispute settlement agreement, and arbitrator is the person who leads the dispute and decides on the subject of an individual dispute.

For the purpose of conducting professional tasks related to the peaceful settlement of labor disputes, the Agency for Peaceful Settlement of Labor Disputes was founded.

North Macedonia

Q252 (2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.

Q252 (2019): Small commercial cases up to 15.000 Euro.

Q253 (General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

Q253 (2021): There is mandatory mediation for the small commercial cases up to 15.000 Euro.

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 mediation process.

Q253 (2019): Small commercial cases up to 15.000 Euro

According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

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.

Q256 (2019): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

Q257 (General Comment): A licensed mediator can become a person with faculty education and 3 years of work 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 Science; b) completed training according to an accredited training program for mediators of at least 70 hours in the Republic of North Macedonia, i.e abroad, or a decision for recognition of appropriate training completed abroad adopted by the Board; c) at least three years of work experience after graduation; d) followed by at least four mediation procedures conducted by a mediator for which a certificate was issued by a mediator supported together with an excerpt from the Register of Mediation Procedures for the respective procedures; e) conducted psychological test and integrity test issued by a licensed professional; f) certificate of citizenship of the Republic of North Macedonia and g) at least five recommendations from persons who know the applicant professionally.

Q257 (2020): There are no changes in the number of registered mediators between 2019 and 2020.

Q258 (General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.

According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to 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.

Q258 (2022): Register for recording on mediation procedures that is under authority of the Ministry of justice.

Q258 (2021): From 2020 the Ministry of Justice maintains a Register of mediation proceedings, in which the 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 Conclusion of 2019 and the Memorandum of Cooperation with the Chamber of Mediators to try to resolve its disputes through mediation gave a great impetus. Procedures for mediation in

Q258 (2020): Between 2019 and 2020, there was an increase of court related mediations for labour cases. Most of these procedures are mediations between administrative servants and the state institutions related to the employment rights.

Q258 (2019): Source is Register for recording on mediation procedures in the Ministry of justice.

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Q259 (General Comment): Arbitration

The arbitration is also available in the legal provisions , as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber , the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.

- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who

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- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor

Q259 (2019): - Arbitration

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Serbia

Q252 (General Comment): Article 11 of the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator. Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.

The basic procedural framework for court-related mediation also encompasses the Criminal Procedure Code (“Official Gazette of RS”, no 72/2011 and 101/2011), and the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014). Other laws, such as the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles (“Official Gazette of RS”, no. 85/2005), Law on Prohibition of Discrimination (“Official Gazette of RS”, no. 22/2009), Law on Bankruptcy Procedure (“Official Gazette of RS”, no. 104/2009, 99/2011 – other law, 71/2012 – Decision of CC and 83/2014), Law on Prevention of Harassment at Work (“Official Gazette of RS”, no. 36/2010), Law on the Protection of Whistle Blowers (“Official Gazette of RS”, no. 128/2014), etc. also contain specific provisions on mediation.

Judges can only perform mediation outside of working hours and free of charge.

A judge who acts in the case concerning the disputed relationship cannot be a mediator. However, such a judge can assist the parties to reach an amicable solution in civil procedure through judicial settlement.

Q252 (2019): Please see general comments.

Q253 (General Comment): The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed“) by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By 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 to the Ministry of Justice in order to agree on the existence of damage, the type and amount of compensation (Article 588, Paragraph 1 of the CPC). A Commission shall decide on the request, whose composition and method of work is regulated by the Minister of Justice (Article 588, Paragraph 2 of the CPC). A member of the Commission is also a Deputy SA. If the request is not granted or the Commission does not decide on the request within three months, a lawsuit may be filed against the Republic of Serbia (Article 589, Paragraph 1 of the CPC). If agreement is reached partially, related to the claim, the lawsuit may request the remaining part (Article 589, paragraph 2 of the CPC). During the duration of the procedure for reaching agreement, the statute of limitation is not running for the right to compensation under Article 591 (Article 589, paragraph 3 of the CPA). The work and results of these commissions show that the way settlement procedure is devised should be fundamentally revised.

Q253 (2021): Exceptions when mediation is mandatory - Please see the general comments section:

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-court settlement of consumer disputes does not exclude or affect the right to judicial protection, in accordance with the law.- Article 168

Q253 (2019): Please see general comments.

Q254 (General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

Q254 (2019): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

Q255 (General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. Therefore, according to previously mentioned provisions, in these matters the only eligible public authority is the court)which can be explained by the very nature of the proceedings). The Law on Consumer Protection ("Official Gazette of RS", no. 62/2014, 6/2016 and 44/2018) provides two manners of out-court settlement of consumer disputes: mediation (in accordance with the law that regulates mediation in Serbia) and arbitration. Parties in the consumer dispute may assign the resolution of the consumer dispute to one or more mediators chosen from the list of mediators, in accordance with the Law on Mediation.

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 employees of the Centers for Social work of local municipalities, etc.

Q255 (2019): Registered mediators, including judges. Such mediators may be private mediators (lawyers, etc.) or employees of the Centers for Social Work of local municipalities, etc.

For more information, please see general comments.

Q256 (General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation.

The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.

Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.

Q256 (2021): Free legal aid is given by 57 registered mediators

Q256 (2019): The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.

Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.

Q257 (2020): The number of mediators in the Republic of Serbia is significantly large due to the increased interest of citizens in performing the work of mediators, which is probably due to the documents adopted by the Republic of Serbia to improve the application of mediation in Serbia.

Q257 (2019): The Register of Mediators has been improved to include the gender criterion in January 2020, after which the relevant data has been manually inserted. The given data is therefore from the status of the Register on 10 February 2020.

The constant rise in the number of registered mediators is the result of the various promotional activities of the Ministry of Justice, continuous training of mediators, pursuant to the Action Plan for Chapter 23, and the anticipation that more mediations will be demanded in the future. Mediators are registered in the MoJ Register of Mediators, <https://www.mpravde.gov.rs/intermediaries.php>, for all types of mediation (not only court-related mediation). Pursuant to the Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, 124 mediators stated that they mediated in 2019, 34 of which mediated in cooperation with a co-mediator. Comparatively, 149 mediators stated that they mediated in 2018, 48 of which mediated in cooperation with a co-mediator.

Q257-1 (General Comment): The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrollment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.

Q258 (2021): Annual report submitted by mediators to the Ministry of Justice

Q258 (2020): 498-these 6 categories are not all categories in which mediation proceedings were conducted, and therefore the total number of cases in which the parties agreed to initiate mediation proceedings is slightly higher 498 including other types of disputes that are not included in these 6 listed in the report.

Q258 (2019): Please note that the statistics of the Statistical Office of the Republic of Serbia on cases of diversionary measures for juvenile offenders - settlement with victims (criminal, court-related mediation) is currently not available due to COVID19 disruptions and is not displayed in the table, causing a variation with 2018 data.

Based on Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, during 2019, 569 mediation agreements were concluded (agreements to enter into mediation), while 403 cases successfully finished with the conclusion of a settlement agreement. Pursuant to the reports of mediators, in 266 proceedings the case was referred to mediation by the court.

Upon filing of additional, in-depth statistics by the mediators who conducted court-related mediations, it was determined that some of these cases were initiated in the previous year, while the number of cases for which the parties agreed to start mediation in 2019 was 239.

Comparatively, during 2018, 638 mediation agreements were concluded (agreements to enter into mediation), while 374 cases successfully finished with the conclusion of a settlement agreement. According to the reports of mediators, in 244 proceedings the case was referred to mediation by the court. However, this data based on mediators' reports submitted to the MoJ is not completely reliable, which is why we are devising a new methodology for collecting court-related statistics.

Both the current method of collecting court mediation statistics and extrajudicial mediation statistics must be significantly improved to increase accuracy and

Q259 (General Comment): Various alternative dispute resolution methods stand at parties' disposal within the legal framework of Serbia, including mediation (judicial and non-judicial), conciliation and arbitration. To date, however, they are all underutilized. Nonetheless, in the last two years, a steady increase of mediation proceedings has been noted, followed by a strong support of mediation by the Ministry of Justice and Supreme Court of Cassation, and positive activities are noted in the field of arbitration, with the establishment of a new independent arbitration centre. Still, coordinated, joint, continued multi-annual efforts must be made to establish a viable and sustainable alternative dispute resolution system.

Having the above in mind, a strategic approach to improving the use of mediation has been initiated in August 2018, whereby the Ministry of Justice, recognising that increasing and improving mediation culture and mechanisms is not a task to be dealt with only by the judiciary and its respective Ministry, is addressing other line ministries and institutions, such as the National Bank of Serbia, Ministry of Trade and Ministry of Labour, so as to seek to together find best ways to improve the use and quality of mediation in the fields of their respective competences, and in that way, jointly to successfully answer to the benchmark given in that respect within Chapter 23.

Q259 (2020): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2) Specifying the position of judges in the mediation procedure; 3) Enforceability of clauses on settling disputes through mediation;

- 4) The principle of confidentiality;
- 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing the first obligatory meeting as a procedural precondition for initiating litigation in certain types of cases, as well as other ways in which the objective of Directive 2008/52/EC may be achieved.

The working group is guided by mediation standards provided in relevant acts of the United Nations, the European Union and the Council of Europe, as well as by the need for adapting standards and best practices to local possibilities and needs.

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- 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 the objective of Directive 2008/52/EC may be achieved.

The working group is guided by mediation standards provided in relevant acts of the United Nations, the European Union and the Council of Europe, as well as by the need for adapting standards and best practices to local possibilities and needs.

Kosovo*

Q252 (General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.

The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of Justice. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is

Q253 (2022): Law on Mediation:

Article 9

Mandatory mediation

1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.

Q254 (2022): Mandatory mediation - refers to the mediation procedure initiated by the competent judge who obliges the parties to try the mediation procedure, as provided by this law;

Q255 (2022): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body, in accordance with the applicable legislation.

If the case is before the court, the parties agree to undergo mediation, then the judge shall inform and instruct parties to the mediation procedure.

Based on the Law On Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, shall be accepted.

Q256 (General Comment): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Q256 (2022): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.

The mediation procedure for juveniles is charge free for the parties. The costs of the mediation procedure, including payment of the mediator, whilst in cases when the mediator is appointed by the State Prosecutor for juveniles, the costs of the procedure shall be paid from the budget of Kosovo Prosecutorial Council.

Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.

Q256 (2019): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Q258 (2022): As for your information, there is still no division of cases (specified) as you have foreseen (requested the data in the above table no. 258)

Q258 (2020): We can not divide cases based on these categories, but only based on regions.

Q258 (2019): Regarding this question, we do not have data based on these categories but only based on the 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 charge?

Question 257. Number of accredited or registered mediators for court-related mediation:

Question 257-1. Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc)?

Question 258. Number of court-related mediations:

Question 259. Do the following alternative dispute resolution (ADR) methods exist in your country?

Question 252

Bosnia and Herzegovina

(General Comment): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

Criminal proceedings:

The court may propose mediation through the mediator to the injured party and the accused or to the defense attorney in accordance with law, if the court considers that the claim under property law is such that it would be purposeful to refer it to the mediation. Injured party, accused and the defense attorney may propose referral to the mediation until the closing of the main trial. In less complex juvenile cases involving issuing educational recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

(2019): The civil and criminal procedure codes foresee court-related mediation procedures.

Civil proceedings:

At the preparatory hearing at the latest, the court conducting the civil proceedings may, if it finds it appropriate with regard to the nature of the dispute and the circumstances, propose to the parties the resolution of the dispute through mediation proceedings, as prescribed by a separate law. The parties may jointly put forward such proposal until the conclusion of the main hearing.

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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 recommendations (i. e. an apology to the injured party or compensation of damages to the injured party) a prosecutor or a judge may suggest the mediation between the offender and the injured party.

North Macedonia

(2021): According to the Law on Civil Procedure, in the small commercial cases up to 15.000 Euro.

(2019): Small commercial cases up to 15.000 Euro.

Serbia

(General Comment): Article 11 of the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014) provides that the court shall direct the parties to mediation or to an informative hearing for mediation, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be conducted by means of mediation. Article 340 of the Law on Civil Procedure provides that the court shall stay the proceedings and refer the parties to mediation procedure when provided for by a special law, or when parties propose that the dispute be resolved through mediation. The mediation procedure is to be implemented in accordance with a special law. If the parties do not resolve the dispute through mediation, the court will schedule a hearing for the trial upon the expiry of 30 days from the day when a party informs the court that it has withdrawn from the mediation (Article 341). In accordance with Article 9 Paragraph 2 of the Law on Mediation in Dispute Resolution (“Official Gazette of RS” no. 55/2014), the court is obliged to provide all necessary information to the parties in the dispute about the possibilities of mediation, which can also be done by referring the parties to the mediator.

Having in mind the existing legal framework as well as the applicable best practice for the development of court-annexed / court-connected mediation, the Supreme Court of Cassation, the High Judicial Council and the Ministry of Justice jointly issued the Guidelines for the Improvement of Mediation in the Republic of Serbia on 28 June 2017, <https://www.mpravde.gov.rs/tekst/16729/uputstvo-za-unapredjenje-medijacije-u-republici-srbiji-po-zakonu-o-posredovanju-u-resavanju-sporova.php>. The Guidelines provide that the courts should, in the early phases of proceedings, resolve disputes by referring the parties to mediation or by encouraging them to reach a court settlement, to alleviate the burden on the court and allow for more efficient procedure in other cases where amicable resolution is not possible. They provide that Info-Services should be established for the Support of Alternative Dispute Resolution Methods within all basic, higher and commercial courts as well as mediation Info-Desks and active cooperation with external partners of the court, i.e. providers of mediation services should be encouraged based on signed protocols of cooperation. Likewise, in order to promote court-related mediation, it is provided that Mediation Weeks should be organised around the 25 October, i.e. marking the European Day of Justice.

The basic procedural framework for court-related mediation also encompasses the Criminal Procedure Code (“Official Gazette of RS”, no 72/2011 and 101/2011), and the Law on Civil Procedure (“Official Gazette of RS”, no. 72/2011, 49/2013 - Decision of Constitutional Court, 74/2013 - Decision of the CC and 55/2014). Other laws, such as the Law on Juvenile Crime Offenders and Criminal Protection of Juveniles (“Official Gazette of RS”, no. 85/2005), Law on Prohibition of Discrimination (“Official Gazette of RS”, no. 22/2009), Law on Bankruptcy Procedure (“Official Gazette of RS”, no. 104/2009, 99/2011 – other law, 71/2012 – Decision of CC and 83/2014), Law on Prevention of Harassment at Work (“Official Gazette of RS”, no. 36/2010), Law on the Protection of Whistle Blowers (“Official Gazette of RS”, no. 128/2014), etc. also contain specific provisions on mediation.

Judges can only perform mediation outside of working hours and free of charge.

A judge who acts in the case concerning the disputed relationship cannot be a mediator. However, such a judge can assist the parties to reach an amicable solution in civil procedure through judicial settlement.

(2019): Please see general comments.

Kosovo*

(General Comment): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body. If the case is before the court, prosecution office or in the competent administrative body and the parties agree to undergo mediation, the respective body informs and instructs parties to the mediation procedure.

The procedure for referral of cases by the court is regulated by a sub legal act of the Kosovo Judicial Council, procedure for referral of cases by the prosecution is regulated by a sub legal act of the Kosovo Prosecutorial Council, and the self-initiated procedure of cases, as well as cases of referral by the administrative body are regulated by a sub legal act of the Ministry of Justice. Based on the Law on Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, is

Question 253

Albania

(General Comment): If there is mandatory mediation, please specify which fields are concerned: The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation. When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision.

In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

Hence, there is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court.

(2019): The civil procedure code was amended in 2017, and it provides that:

The judge makes every effort to settle the dispute amicably during the preparatory stage, when the nature of the case allows that. At each stage of the trial, the court shall inform the parties about the possibility of settlement of the dispute through mediation and, if they give their consent, it transfers the case to mediation. When reconciliation is reached without starting the hearing, a record is held, which is signed by the parties. The judge approves the reconciliation by way of decision. In case of submission of the act-agreement for reconciliation or resolution of the dispute through mediation, the court decides to approve it, if the latter is not inconsistent with the law.

Where the reconciliation is reached in the hearing, the terms of the agreement shall be reflected in the court record. The court shall give its approval decision, but in any case it should not be against the law.

Against the decision to resolve the dispute by reconciliation or mediation, or the rejection of the reconciliation, can be appealed separately.

Hence, there is no mandatory mediation that provides for a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court.

Montenegro

(General Comment): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in

(2020): According to the new Law on ADR and Amendments to the Civil Procedure Code, adopted in July 2020, there are two situations: 1. mandatory mediation before going to the court (first meeting with mediator) – according to the Law on ADR (article 11) before initiating court proceedings the party that intends to initiate court proceedings shall apply to the Centre with an intention to try to solve the dispute in mediation procedure, while both parties in the dispute are obliged to attend the first meeting with mediators in following disputes: the disputes stipulated as small value claims according to the law governing civil proceedings; the disputes for damages arising from insurance contracts if one of the parties is an insurance company; the disputes for which special law stipulates the obligation to do so.

2. mandatory first meeting with mediator ordered by the judge – according to the Law on Civil Procedure (Art. 329), the court is obliged to render a special ruling referring the parties to the first meeting with mediator: 1) if one of the parties is Montenegro, Capital, Historic Capital, i.e. municipality; 2) in commercial disputes, except in disputes with international element, in disputes regarding relations to which the status (company) law is applied and in disputes where a party in bankruptcy procedure is referred to civil procedure; 3) in other cases required by special law (family disputes, labour disputes)

(2019): In the divorce disputes upon the lawsuit of one of the spouses, mediation procedure is carried out in accordance with the Law on Mediation and Family Law, except in cases where there are circumstances that point to the existence of any form of domestic violence.

Upon receipt of the lawsuit, the court will schedule a hearing and ask the spouses to immediately state which mediator they want to address in order to attempt to reconcile or reach an agreement on regulating legal consequences of the divorce. If spouses do not reach an agreement on the mediator, they will be appointed by the court. If the spouses are reconciled, the lawsuit is deemed to be withdrawn.

The mediator is obliged to inform the court to which the lawsuit is filed about the success of the mediation and to provide him with the minutes of the conciliation and a record containing the agreement of spouses on exercising the parental right and on the division of the joint property or the statements of the spouses that the agreement has not been reached.

Also, in Article 27a of the Law on Mediation it is stipulated in which cases the court is obliged to refer the parties to a meeting with the mediator:

1. when provided for by a special law
2. when he or she determines that it is in the best interest of the child whose rights and interests it decides
3. when litigation in property law litigation is initiated requiring fulfillment of the obligation to perform, in:
 - the disputes in which Montenegro is liable
 - small claims
 - Economic disputes
 - disputes involving more than five parties on one side
 - disputes concerning the division of property of spouses

North Macedonia

(General Comment): According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 MKD (15.000 euros), the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

(2021): There is mandatory mediation for the small commercial cases up to 15.000 Euro.

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 mediation process.

(2019): Small commercial cases up to 15.000 Euro

According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

Serbia

(General Comment): The Law on Prevention of Harassment at Work ("Official Gazette of RS", no. 36/2010) provides that an employee who considers to be subjected to harassment at work („mobbed“) by a person other than the employer themselves, director or other responsible person within the company can submit directly to the director/employer a reasoned application for initiation of proceedings for protection from harassment. The employer is then obliged under the law to propose to the parties in the dispute within three days upon receipt of the application mediation as a resolution of the dispute. Mediation proceedings in these cases are urgent. The mediation proceeding is considered terminated within eight working days after the date of the determination or choice of the mediator: 1) By 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 to the Ministry of Justice in order to agree on the existence of damage, the type and amount of compensation (Article 588, Paragraph 1 of the CPC). A Commission shall decide on the request, whose composition and method of work is regulated by the Minister of Justice (Article 588, Paragraph 2 of the CPC). A member of the Commission is also a Deputy SA. If the request is not granted or the Commission does not decide on the request within three months, a lawsuit may be filed against the Republic of Serbia (Article 589, Paragraph 1 of the CPC). If agreement is reached partially, related to the claim, the lawsuit may request the remaining part (Article 589, paragraph 2 of the CPC). During the duration of the procedure for reaching agreement, the statute of limitation is not running for the right to compensation under Article 591 (Article 589, paragraph 3 of the CPA). The work and results of these commissions show that the way settlement procedure is devised should be fundamentally revised.

(2021): Exceptions when mediation is mandatory - Please see the general comments section:

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-court settlement of consumer disputes does not exclude or affect the right to judicial protection, in accordance with the law.- Article 168

(2019): Please see general comments.

Kosovo*

(2022): Law on Mediation:

Article 9

Mandatory mediation

1. When parties submit a statement of claim before the court, regarding disputes deriving from family relations such as alimony, custody, visits, child support and division of marital property, the judge in the preliminary hearing, after the preliminary review of the indictment, must inform and oblige the parties to mediation procedure.
2. When parties file a statement of claim before a court regarding ownership contests related to rights and obligations deriving from the rights of servitudes and compensation of expropriated properties, the judge in the preliminary hearing, after the preliminary review, is obliged to inform and direct parties to mediation procedure.
3. Under such circumstances, the parties shall meet with a mediator, and will have thirty (30) days to try the commencement of mediation, starting from the day when the judge obliges the parties to try mediation.
4. Parties may chose not to continue with the mediation procedure and they can return to judicial proceedings, not longer than thirty (30) days.
5. Prior to returning the case in judicial proceedings, parties must provide a written evidence, signed by the parties and the mediator, proving that parties have tried mediation procedure.
6. Mandatory mediation does not deprive parties of their right to appear before the court, or employ arbitration procedure, and if no agreement is reached in the mediation procedure, the case shall be sent again to court or arbitration.
7. Parties are not obliged to reach an agreement through mediation against their free will.
8. Additional time limits for mediation are in accordance with Article 16 of this Law.

Question 254

Albania

(2021): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

(2020): If there are mandatory informative sessions, please specify which fields are concerned: Civil case, family case, criminal case, work case.

(2019): Civil case, family case, criminal case, work case

Montenegro

(2022): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

(2020): As explained in question 253, in accordance with new Law on ADR and Amendments to the CPC.

(2019): Not for the time being, although the proposal for the new Law on the ADR provides for such an obligation in certain types of disputes

Serbia

(General Comment): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

(2019): Most simply put, in Serbia judges are required to inform the parties of a possibility of mediation, but cannot order it (there are no mandatory mediation provisions). Article 11 of the Law on Civil Procedure provides that the court shall direct the parties to mediation or to informative hearing for mediation, in accordance with the law, or to instruct the parties of the option of pre-trial settlement of dispute by mediation or through another amicable manner while Art. 305 Para. 3 provides that the court shall inform the parties of their right that the procedure can be performed through mediation.

Kosovo*

(2022): Mandatory mediation - refers to the mediation procedure initiated by the competent judge who obliges the parties to try the mediation procedure, as provided by this law;

Question 255

Albania

(General Comment): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon complaint of the injured party, and also to any other cases allowed by special law. For mediation in criminal cases involving children provisions of the criminal code for minors are applicable.

(2019): Law on mediation was adopted in 2011 and it was also amended as part of the justice reform in 2017. Mediation regulated as an extrajudicial whereby the parties seek resolution of a dispute with the assistance of a third neutral party (mediator) in order to reach an acceptable agreement on the resolution of the dispute, which is not contrary to the law.

Mediation applies for the resolution of all the disputes in civil law, commercial, labour and family law, intellectual property, consumer rights, as well as disputes between public administration organs and private subjects. Mediation in criminal matters applies to disputes examined by the court at the request of the accusing victim, or upon complaint of the injured party, and also to any other cases allowed by special law. For mediation in criminal cases involving children provisions of the criminal code for minors are applicable.

Serbia

(General Comment): Family law provides that upon being served the action for annulment or divorce of marriage, the court shall schedule a hearing for conciliation/settlement, which is held only before a sole judge. The judge is under the obligation to recommend the spouses to undergo psycho-social counselling and will at the proposal of the spouses or with their consent entrust mediation to the competent guardianship authority, marriage or family counselling service, or other institution specialised in mediation in family relations (Article 232). The Law on Social Protection ("Official Gazette of the Republic of Serbia" No.24/2011) also provides mediation as a community based social service falling in the counselling-therapeutic and social-educational group of services, also irrespective of court proceedings (in Centers for Social Work of local municipalities). The procedural legal framework has been adopted in order to allow for certain elements of mediation in penal matters. Namely, pursuant to Article 505 of the Criminal Procedure Code ("Official Gazette of RS", no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 i 55/2014), before scheduling a trial in connection with criminal offences which are prosecutable by private prosecution, the judge shall summon the private prosecutor and the defendant to the court on a certain date to be informed about the possibility of being referred to a mediation procedure. The Criminal Code ("Official Gazette of RS", Nos. 85/2005, 88/2005, 107/2005, 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 i 94/2016)) also provides a possibility of settlement between the offender and the victim (Article 59). Namely, the court may remit from punishment the perpetrator of a criminal offence punishable by up to three years' imprisonment or a fine if the offender has fulfilled all his/her obligations from an agreement reached with the victim. Therefore, according to previously mentioned provisions, in these matters the only eligible public authority is the court (which can be explained by the very nature of the proceedings). The Law on Consumer Protection ("Official Gazette of RS", no. 62/2014, 6/2016 and 44/2018) provides two manners of out-court settlement of consumer disputes: mediation (in accordance with the law that regulates mediation in Serbia) and arbitration. Parties in the consumer dispute may assign the resolution of the consumer dispute to one or more mediators chosen from the list of mediators, in accordance with the Law on Mediation.

(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 employees of the Centers for Social work of local municipalities, etc.

(2019): Registered mediators, including judges. Such mediators may be private mediators (lawyers, etc.) or employees of the Centers for Social Work of local municipalities, etc.

For more information, please see general comments.

Kosovo*

(2022): The mediation procedure can be initiated by the parties, court, prosecution office or a competent administrative body, in accordance with the applicable legislation.

If the case is before the court, the parties agree to undergo mediation, then the judge shall inform and instruct parties to the mediation procedure.

Based on the Law On Mediation, the agreement between parties to commence the mediation procedure, at any phase of the procedure before the competent court or any other competent body, shall be accepted.

Question 256

Bosnia and Herzegovina

(General Comment): The legislation on free legal aid regulates that free legal assistance is available for poor litigants within procedures for peaceful settlement of disputes, including the mediation procedures.

Montenegro

(General Comment): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted from paying remuneration and remuneration to mediators

(2019): In proceedings referred to mediation by a court, parties may use the services of lawyers, in accordance with the Law on Free Legal Aid, with the parties in such mediation procedures being exempted 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.

(2019): Only exception of this is possibility prescribed in Article 85 of the Law on justice for children - all expenses for mediation for children in criminal procedures are covered from the State Budget.

Serbia

(General Comment): In order to promote mediation, mediators have since 2016 provided mediation services in courts pro bono. Likewise, a judge cannot charge fees for conducting mediation.

The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.

Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.

(2021): Free legal aid is given by 57 registered mediators

(2019): The Law on Mediation in Dispute Resolution provides for certain monetary incentives in case of reaching an agreement to resolve the dispute through mediation after the judicial or other proceedings have been initiated and before the conclusion of the first hearing for the main trial, such as that the parties may be exempt from court or administrative fees, in accordance with the law which regulates court and administrative fees (Article 31). The Parliament has enacted the Law on Amendments and Supplements to the Law on Court Fees ("Official Gazette of RS", no. 95/2018), which further encourages parties to resolve their disputes by amicable means, through mediation, negotiated settlement, court settlement or any other amicable way. These amendments, which are applicable from 1 January 2019, postpone the collection of court fees in order to leave the parties the opportunity to once again consider the amicable resolution of the dispute, once the court proceedings have been initiated. Through these provisions, the state offers financial incentives to the parties to consider other viable dispute resolution options early in the court proceedings by exempting them from paying all relevant court fees if they achieve a settlement by the time of the first hearing. Regarding general exemption from court fees please see comment to Q17.

Under the Free Legal Aid Law (2018) applicable from 2019, expenses of mediators, lawyers, etc. are a form of secondary legal aid and may be financed from the budget of the Republic of Serbia, pursuant to the provisions of the FLA Law.

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.

(2022): As per the Administrative Instruction On Mediators Fee In The Republic Of Kosovo, for the provision of mediation services, for cases referred by court and prosecution office, the parties in the mediation procedure shall not bear any cost, except the costs for experts, translators, lawyers and other costs related to the provision of necessary evidence, if they exist and are necessary.

The mediation procedure for juveniles is charge free for the parties. The costs of the mediation procedure, including payment of the mediator, whilst in cases when the mediator is appointed by the State Prosecutor for juveniles, the costs of the procedure shall be paid from the budget of Kosovo Prosecutorial Council.

Whereas mediation fee for self-initiated case, parties are obliged to pay the fee as per the law on mediation.

(2019): Article 5 of the Law on Free Legal Aid specifies that primary legal aid includes information, legal advices and aid in the mediating and arbitral procedures as foreseen by the law in force.

Question 257

Bosnia and Herzegovina

(General Comment): The Law on mediation procedure governs the mediation procedure on the territory of Bosnia and Herzegovina. The mediation tasks are by a separate law transferred to the association of mediators by the 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 mediator will submit proof of payment of the registration fee to the Association of Mediators. 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

(General Comment): Licensing of mediators is prescribed by the Law on ADR in articles 39 and 41. In order to 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 who meets above mentioned requirements shall be granted operating licence for mediator, which is issued by the Ministry for a five-year period and it may be extended by the same period in accordance with the Law on ADR.

(2022): new mediators accredited in the meantime

(2021): Number of mediators was not changed in 2021 in relation to 2020, but in 2021 32 candidates for 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.

(2020): Adoption of the new Law on ADR, in August 2020, led to the significant increase of a number of cases referred to the Center for mediation procedure, by courts and citizens and thus to the need for training of new mediators. In addition, according to the analysis done by the Centre, there is a need for additional increase of a number of mediators in some municipalities.

When it comes to the numbers of male and female mediators, we have to say that there are still more female than male mediators.

North Macedonia

(General Comment): A licensed mediator can become a person with faculty education and 3 years of work 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 Science; b) completed training according to an accredited training program for mediators of at least 70 hours in the Republic of North Macedonia, i.e abroad, or a decision for recognition of appropriate training completed abroad adopted by the Board; c) at least three years of work experience after graduation; d) followed by at least four mediation procedures conducted by a mediator for which a certificate was issued by a mediator supported together with an excerpt from the Register of Mediation Procedures for the respective procedures; e) conducted psychological test and integrity test issued by a licensed professional; f) certificate of citizenship of the Republic of North Macedonia and g) at least five recommendations from persons who know the applicant professionally.

(2020): There are no changes in the number of registered mediators between 2019 and 2020.

Serbia

(2020): The number of mediators in the Republic of Serbia is significantly large due to the increased interest of citizens in performing the work of mediators, which is probably due to the documents adopted by the Republic of Serbia to improve the application of mediation in Serbia.

(2019): The Register of Mediators has been improved to include the gender criterion in January 2020, after which the relevant data has been manually inserted. The given data is therefore from the status of the Register on 10 February 2020.

The constant rise in the number of registered mediators is the result of the various promotional activities of the Ministry of Justice, continuous training of mediators, pursuant to the Action Plan for Chapter 23, and the anticipation that more mediations will be demanded in the future. Mediators are registered in the MoJ Register of Mediators, <https://www.mpravde.gov.rs/intermediaries.php>, for all types of mediation (not only court-related mediation). Pursuant to the Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, 124 mediators stated that they mediated in 2019, 34 of which mediated in cooperation with a co-mediator. Comparatively, 149 mediators stated that they mediated in 2018, 48 of which mediated in cooperation with a co-mediator.

Question 257-1

Bosnia and Herzegovina

(General Comment): 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 mediator will submit proof of payment of the registration fee to the Association of Mediators. 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.

Serbia

(General Comment): The conditions stipulated by the law for the performance of mediation activities are: legal capacity, citizenship of the Republic of Serbia, completed basic training, higher education, that the person has not been sentenced to an unconditional prison sentence for a criminal offense that makes him unfit to perform mediation activities, possession of a mediation license and enrollment in the Register of Mediators. The request is submitted to the Ministry of Justice, which issues licenses for mediation to persons who meet the conditions and registers them in the Registry of Mediators.

Question 258

Albania

(2019): Statistics are not available at this time.

Bosnia and Herzegovina

(2022): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. Historically, the number of mediations is small in Bosnia and Herzegovina. The already small number of mediations was further reduced in 2022 compared to 2021. Although this difference is large in terms of percentage, in reality it was not a significant change in terms of the scope of use of mediation procedures in Bosnia and Herzegovina.

(2021): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations.

(2020): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. According to the Association the number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

(2019): The Association of Mediators of Bosnia and Herzegovina produced the statistics on mediations. The number of mediations has decreased over the recent years due to the lack of cases put forward for the mediation procedures by the relevant creditors (e.g. the state-owned enterprises providing utility services), which have recorded the decrease in terms of the number of incoming cases deemed eligible for the mediation procedures.

Montenegro

(2022): Report on the work of the ADR Centre;

Also, the total number of received requests for mediation in 2022 is 10773. At the end of 2022 there were 2625 cases are pending.

(2021): Regarding the increase in the number of mediations civil and commercial cases we have to say that this 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 reporting year, and do not appear in the next year.

(2020): ADR Centre annual report for 2020 <https://centarzaars.me/izvjestaji/>

Number of cases resolved in the mediation procedure in 2020 has been increased mainly due to the adoption of new Law on ADR and raising of the public awareness on alternative dispute resolution methods, but this still is not on satisfactory level.

(2019): There has been a significant increase since 2018 in the number of civil and commercial and labor cases for which parties agreed to start mediation, and therefore an increase of mediations in which an agreement has been reached for those categories of cases.

This is notably due to the promotion of mediation. First, in the last year the Center for Mediation implemented a large number of activities aimed at promoting and raising the level of information of citizens (broadcasting video, mobile application, billboards, mediation week, etc.). Also, the increase of mediation in any type of disputes leads to increased information of citizens and thus the decision of citizens to try to resolve their dispute before the Center. In general, the judges themselves in some courts who referred cases to the Center have a very positive experience with mediation, which increase the number of parties that they refer to mediation. As far as lawyers are concerned, there is still issue with accepting dispute resolution in mediation, although the situation is slowly changing and an increasing number of lawyers are accepting mediation.

Furthermore, regarding labor cases, the change of the Law on Mediation in March 2019, as well as the change of the Law on Civil Servants and State Employees in the same year, led to the fact that civil servants and state employees are obliged to try to resolve their labor dispute, before filing a lawsuit, before the Center for Mediation also, which was not the situation before.

North Macedonia

(General Comment): Source is the Register for recording on mediation procedures that is under authority of the Ministry of justice.

According to our Law, mediation is allowed in property and legal disputes, family disputes, labour disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to 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.

(2022): Register for recording on mediation procedures that is under authority of the Ministry of justice.

(2021): From 2020 the Ministry of Justice maintains a Register of mediation proceedings, in which the 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 Conclusion of 2019 and the Memorandum of Cooperation with the Chamber of Mediators to try to resolve its disputes through mediation gave a great impetus. Procedures for mediation in labor disputes with ministries, public enterprises and other institutions are widespread.

(2020): Between 2019 and 2020, there was an increase of court related mediations for labour cases. Most of these procedures are mediations between administrative servants and the state institutions related to the employment rights.

(2019): Source is Register for recording on mediation procedures in the Ministry of justice.

According to our Law on mediation mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where 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

Serbia

(2021): Annual report submitted by mediators to the Ministry of Justice

(2020): 498-these 6 categories are not all categories in which mediation proceedings were conducted, and therefore the total number of cases in which the parties agreed to initiate mediation proceedings is slightly higher 498 including other types of disputes that are not included in these 6 listed in the report.

(2019): Please note that the statistics of the Statistical Office of the Republic of Serbia on cases of diversionary measures for juvenile offenders - settlement with victims (criminal, court-related mediation) is currently not available due to COVID19 disruptions and is not displayed in the table, causing a variation with 2018 data. Based on Annual Reports of Mediators, filed to the Ministry of Justice in January 2020 for 2019, during 2019, 569 mediation agreements were concluded (agreements to enter into mediation), while 403 cases successfully finished with the conclusion of a settlement agreement. Pursuant to the reports of mediators, in 266 proceedings the case was referred to mediation by the court.

Upon filing of additional, in-depth statistics by the mediators who conducted court-related mediations, it was determined that some of these cases were initiated in the previous year, while the number of cases for which the parties agreed to start mediation in 2019 was 239.

Comparatively, during 2018, 638 mediation agreements were concluded (agreements to enter into mediation), while 374 cases successfully finished with the conclusion of a settlement agreement. According to the reports of mediators, in 244 proceedings the case was referred to mediation by the court. However, this data based on mediators' reports submitted to the MoJ is not completely reliable, which is why we are devising a new methodology for collecting court-related statistics. Both the current method of collecting court mediation statistics and extrajudicial mediation statistics must be significantly improved to increase accuracy and preciseness as well as to remove inconsistency.

Kosovo*

(2022): As for your information, there is still no division of cases (specified) as you have foreseen (requested the data in the above table no. 258)

(2020): We can not divide cases based on these categories, but only based on regions.

(2019): Regarding this question, we do not have data based on these categories but only based on the regions.

Question 259

Albania

(General Comment): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle their dispute with the assistance of a mediator.

(2019): The current legal framework in Albania provides for dispute resolution through mediation and arbitration. "Mediation", as provided by the Albanian legislation is the procedure of out-of-court dispute resolution, whereby two or more parties to a dispute, on a voluntary basis, attempt by themselves to settle their dispute with the assistance of a mediator.

Bosnia and Herzegovina

(General Comment): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing 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 Agency for Labour cases etc.

(2019): The members (i. e. mediators) of the Association of the Mediators of Bosnia and Herzegovina are in charge of conducting court-related mediation and other than court-related mediation.

Conciliation is foreseen by the law in different legal fields (e. g. the conciliation is obligatory as a prerequisite for the divorce proceedings, the conciliation is carried out by the social welfare institution).

As for the arbitration, the civil procedure legislation regulate that the parties may agree to entrust the resolution of the disputes on to the arbitration. An arbitration agreement may be concluded with an existing dispute or on future possible disputes that could stem from certain legal relation.

Montenegro

(2022): Early Neutral Assessment of a dispute is the procedure where, on the basis of the parties' agreement, a dispute evaluator gives his assessment of the facts and law elements of their dispute.

Arbitration is regulated by the Law on Arbitration.

There is also peaceful resolution of conflicts in the area of labour etc.

(2020): Early neutral evaluation of dispute, introduced with the new Law on ADR, adopted in July 2020.☐

(2019): Parties in labor disputes - both individual and collective, may, in accordance with the Law on Peaceful Settlement of Disputes, voluntarily decide to entrust the settlement of the dispute to the facilitator or arbitrator.

Facilitator is a person who provides assistance to parties in a collective dispute and gives a recommendation with the aim of concluding a dispute settlement agreement, and arbitrator is the person who leads the dispute and decides on the subject of an individual dispute.

For the purpose of conducting professional tasks related to the peaceful settlement of labor disputes, the Agency for Peaceful Settlement of Labor Disputes was founded.

North Macedonia

(General Comment): Arbitration

The arbitration is also available in the legal provisions, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in North Macedonia exists since 1993, The value of disputes resolved through arbitration varies from a few thousand to several million Euros. - Conciliation

There are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered *res judicata* and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.

- According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who

(2021): Arbitration

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(2019): - Arbitration

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Serbia

(General Comment): Various alternative dispute resolution methods stand at parties' disposal within the legal framework of Serbia, including mediation (judicial and non-judicial), conciliation and arbitration. To date, however, they are all underutilized. Nonetheless, in the last two years, a steady increase of mediation proceedings has been noted, followed by a strong support of mediation by the Ministry of Justice and Supreme Court of Cassation, and positive activities are noted in the field of arbitration, with the establishment of a new independent arbitration centre. Still, coordinated, joint, continued multi-annual efforts must be made to establish a viable and sustainable alternative dispute resolution system.

Having the above in mind, a strategic approach to improving the use of mediation has been initiated in August 2018, whereby the Ministry of Justice, recognising that increasing and improving mediation culture and mechanisms is not a task to be dealt with only by the judiciary and its respective Ministry, is addressing other line ministries and institutions, such as the National Bank of Serbia, Ministry of Trade and Ministry of Labour, so as to seek to together find best ways to improve the use and quality of mediation in the fields of their respective competences, and in that way, jointly to successfully answer to the benchmark given in that respect within Chapter 23.

(2020): The Minister of Justice has established a Working Group for drafting of amendments to the Law on Mediation in Dispute Resolution on 19 December 2018 with the task of drafting A new legal framework which should strike a balance between the need to regulate, on the one hand, and the need to preserve a sufficient level of party autonomy and procedural flexibility, on the other. The working group has in 2019 worked on the further improvement of all relevant provisions of the law, especially taking care that changes to the legal framework encompass: 1) Transparency and clarity of the content of the mediation law in relation to how mediation is started, the mediation procedure itself, standards and qualifications for mediators, mediation centers and mediation training providers, as well as rights and obligations of participants in the mediation process; 2) Specifying the position of judges in the mediation procedure; 3) Enforceability of clauses on settling disputes through mediation; 4) The principle of confidentiality; 5) The enforceability of agreements reached in mediation and agreements reached in international mediation; and 6) The impact of mediation on the course of a lawsuit, including the possibility of prescribing the first obligatory meeting as a procedural precondition for initiating litigation in certain types of cases, as well as other ways in which the objective of Directive 2008/52/EC may be achieved.

The working group is guided by mediation standards provided in relevant acts of the United Nations, the European Union and the Council of Europe, as well as by the need for adapting standards and best practices to local possibilities and needs.

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- 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 the objective of Directive 2008/52/EC may be achieved.

The working group is guided by mediation standards provided in relevant acts of the United Nations, the European Union and the Council of Europe, as well as by the need for adapting standards and best practices to local possibilities and needs.

10. European Convention of Human Rights (ECHR) - Overview

Number of applications, judgements and cases considered as closed at the European Court of Human Rights in 2022 (Tables 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	
	2022	% Variation 2021 - 2022	2022	% Variation 2021 - 2022	2022	% Variation 2021 - 2022
Albania	85	500,0%	7	700,0%	3	0,0%
Bosnia and Herzegovina	407	442,7%	10	400,0%	15	-21,1%
Montenegro	295	-62,4%	3	-78,6%	4	0,0%
North Macedonia	367	-3,7%	4	0,0%	28	115,4%
Serbia	3 289	734,8%	10	25,0%	57	83,9%
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
WB Average	889	1922,3%	7	209,3%	21	35,6%

Figure 10.1 Applications allocated to an ECHR judicial formation in 2022 and % variation between 2021 and 2022

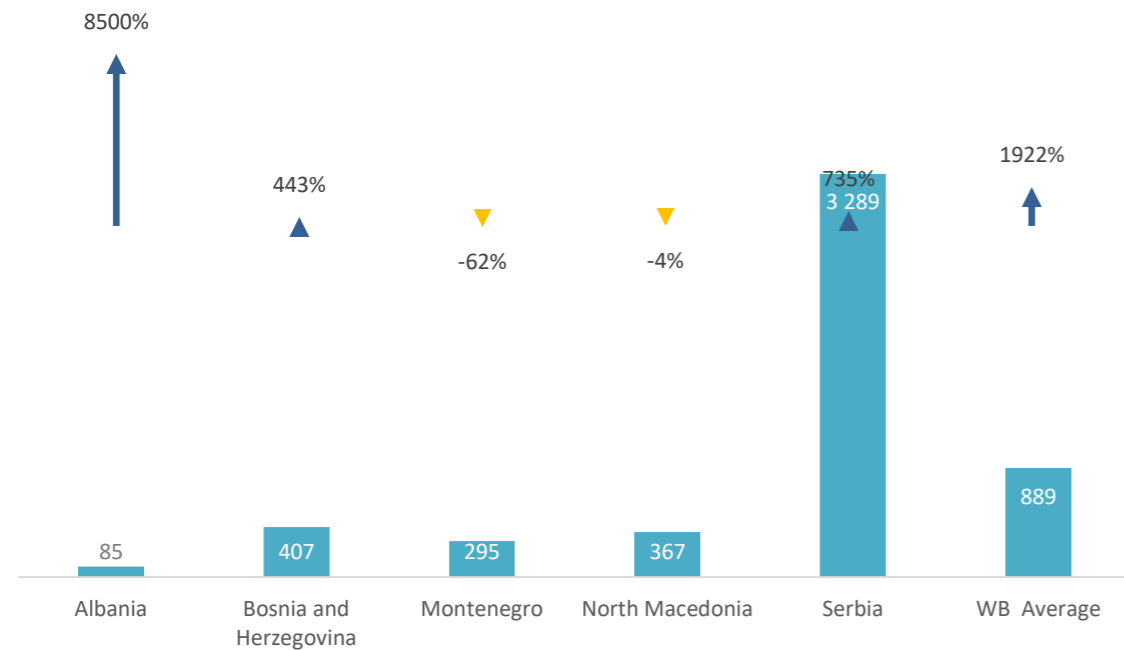
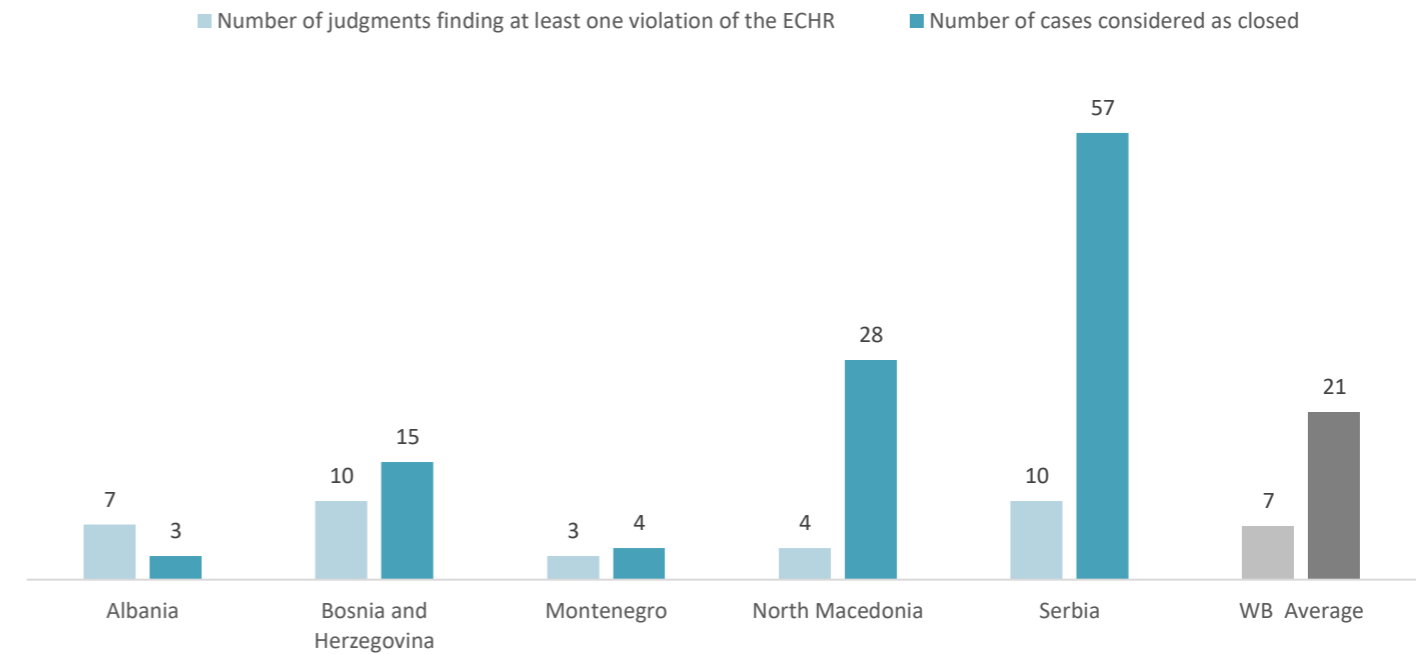


Figure 10.2 Number of judgements finding at least one violation of the ECHR and number of cases considered closed in 2022



Source: European Court of Human Rights and Department of Execution of Judgements of the ECHR 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 violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case at the national level after a decision on violation of human rights by the ECHR in 2022 (Q260 and Q261)

Table 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2022 (Q262, Q263 and Q263-1**)

Table 10.1.3 Number of applications to the European Court of Human Rights and number of judgements, between 2019 and 2022 (Q262 and Q263**)


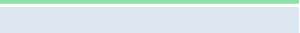
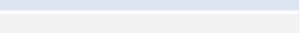

Table 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process between 2019 and 2022 (Q264***)

** Source ECHR

*** Source: Department for the Execution of Judgments of the ECHR

Table 10.1.1 Monitoring system of violations related to the Article 6 of the European Convention on Human Rights and possibility to review a case at the national level after a decision on violation of human rights by the ECHR in 2022 (Q260 and Q261)

Beneficiaries	Monitoring system for violations related to Article 6 of the European Convention on Human Rights			Possibility to review a case at the national level 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 
- 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 10.1.2 Number of applications to the European Court of Human Rights and number of judgements in 2022 (Q262, Q263 and Q263-1)**

Number of applications to the European Court of Human Rights and number of judgements in 2022						
Beneficiaries	Number of applications allocated to a judicial formation of the European Court of Human Rights	Number of judgements		Number of judgments delivered against the country finding at least one violation of the Article 6 of the European Convention on Human Rights		
		Total	Judgements finding at least one violation	Right to a fair trial	Length of proceedings	Non-enforcement
Search Key	2022#262.1	2022#263.1	2022#263.2	2022#263-1.1	2022#263-1.2	2022#263-1.3
A	D	E	F	G	H	I
Albania	85	8	7	2	1	1
Bosnia and Herzegovina	407	10	10	1	2	3
Montenegro	295	3	3	1	2	0
North Macedonia	367	6	4	2	0	0
Serbia	3 289	12	10	0	0	5
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP
Average	889	8	7	1	1	2
Median	367	8	7	1	1	1
Minimum	85	3	3	0	0	0
Maximum	3289	12	10	2	2	5

** 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 applications to the European Court of Human Rights and number of judgements, between 2019 and 2022 (Q262 and Q263)**

Beneficiaries	Number of applications to the European Court of Human Rights and number of judgements, between 2019 and 2022											
	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	2022	2019	2020	2021	2022	2019	2020	2021	2022
Albania	88	76	75	85	1	3	3	8	1	3	2	7
Bosnia and Herzegovina	1 784	870	784	407	21	8	14	10	21	8	14	10
Montenegro	427	218	381	295	3	10	5	3	2	10	4	3
North Macedonia	262	275	394	367	12	14	11	6	9	14	8	4
Serbia	2 160	1 836	1 993	3 289	24	5	6	12	22	4	5	10
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP
Average	944	655	725	889	12	8	8	8	11	8	7	7
Median	427	275	394	367	12	8	6	8	9	8	5	7
Minimum	88	76	75	85	1	3	3	3	1	3	2	3
Maximum	2160	1836	1993	3289	24	14	14	12	22	14	14	10

** 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 10.1.4 Number of cases considered as closed after a judgement of the European Court of Human rights and the execution of judgments process between 2019 and 2022 (Q264*)**

Beneficiaries	Total number of cases considered as closed after a judgement of the European Court of Human Rights			
	2019	2020	2021	2022
Albania	4	10	3	3
Bosnia and Herzegovina	7	16	19	15
Montenegro	3	8	4	4
North Macedonia	26	11	13	28
Serbia	35	40	31	57
Kosovo*	NAP	NAP	NAP	NAP
Average	15	17	14	21
Median	7	11	13	15
Minimum	3	8	3	3
Maximum	35	40	31	57

*** Source: Department for the Execution of Judgments of the 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*

Indicator 10- ECtHR

by country

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Albania

Q260 (General Comment): "For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has 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 for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors."

The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 "On the State Advocature", Chapter V/I "On the execution of Judgments and Decisions of the European Court of Human Rights".

The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgment, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights' judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy:

-Referring to Article 6 of the European Convention, we would like to emphasize the amendments to the Civil Procedure Code in 2017, where it is added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable timeframe.

Q260 (2021): For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has 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 for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors.”

Q260 (2019): The final judgments of the European Court of Human Rights (herein after ECtHR), in every case where Albania is a party are binding and are enforced following the procedures provided by the Law Nr. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”. The State Advocate, in the quality of the representative and defender of the interests of the state at the ECtHR, is the competent institution for the initiation of the procedures for the execution of the ECtHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocate, 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, High Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECtHR's decision, 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 ECtHR judgments by the national authorities. Also, the State Advocate 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

-Referring to Article 6 of the European Convention, it is worth to mention the amendments to the Civil Procedure Code in 2017, added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable time.

-Regarding to decisions subject to review, Criminal Procedure Code is also amended by Law no. 35/2017, dated 30.03.2017, Article 450 “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...”

Q261 (General Comment): Yes it is possible to review a case after a decision on violation of human rights by the European Court of Human Rights. This is provided by the legal basis as follows:

- Article 450 of Criminal Procedure Code “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...” and

-Article 494 of Civil Procedure Code “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”.

Q261 (2019): Legal basis:

-Criminal Procedure Code - Article 450 “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...”

-Civil Procedure Code – Article 494 “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”

Bosnia and Herzegovina

Q260 (General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHR's decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional 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 been exhausted while the Court shall also consider the effectiveness of possible legal remedies. If the Constitutional Court finds an appeal well-founded, it may decide on the merits or it may quash the challenged decision and refer the case back to the court that adopted the judgment for renewed proceedings. The court whose decision has been quashed is obligated to take another decision in expedient proceedings and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the appellant's rights and the fundamental freedoms guaranteed under the Constitution. If the Constitutional Court finds that violation of human rights is caused by systematic flaws in functioning or organization of the public authorities or by inadequate regulations, it may, in a decision granting an appeal, instruct competent institutions to implement measures aiming to eliminate causes that led to such violation.

Q261 (General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case *Avdic and Others vs Bosnia and Herzegovina*, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case *Maktouf & Damjanovic vs Bosnia and Herzegovina*, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before 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. Subsequent to the verdict of the European Court in the case *Muslija Adnan vs Bosnia and Herzegovina*, app. no. 32042/14, establishing a violation of the rights of the applicant pursuant to Article 4 of Protocol no. 7 to the Convention, criminal proceedings were reopened in favour of the convicted person – applicant Mr Muslija. Also, the civil procedure codes in Bosnia and Herzegovina have been amended enabling the parties to civil proceedings to request from the first instance court to reopen their case, if the European Court of Human Rights makes a decision that the court in Bosnia and Herzegovina in its judgment had made an infringement of one's human rights, or basic freedoms. The party to the civil proceeding may request from the first instance court to reopen the proceeding within 90 days from the day of the final judgment of the European Court of Human Rights.

Montenegro

Q260 (General Comment): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

Q260 (2021): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

Q260 (2020): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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Q261 (General Comment): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure. In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.

Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Administrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

Q261 (2021): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure. In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.

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Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Administrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

North Macedonia

Q260 (General Comment): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism. It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court’s judgments handed down in respect of the State. The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future. 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 and it is also tasked with recommending measures for its improvement. With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (accelerator remedy).

Q260 (2022): Please, see the general comment.

Q260 (2020): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.

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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 and it is also tasked with recommending measures for its improvement.

With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (acceleratory remedy).

Q260 (2019): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.

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 and it is also tasked with recommending measures for its improvement.

With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (acceleratory remedy).

Q261 (General Comment): There are provisions in procedural laws (Law on Criminal Procedure, Law on Civil 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 (2022): Please, see the general comment.

Q261 (2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

Q261 (2019): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

Serbia

Q260 (General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court), performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future. Moreover, on the request of the Agent's office, all domestic authorities are expected to provide necessary data in order to be presented before the Committee of Ministers of the Council of Europe in the form of action plans or action reports. Presented monitoring system is operated by the Agent's office and it is at the State level. There is no separate mechanism in the Republic of Serbia dedicated only to the monitoring of the violations related to Article 6 of the Convention.

Q260 (2022): The Law on the protection of the right to a trial within a reasonable time (from 2015)

Q260 (2019): A specific procedure exists for monitoring of ECHR judgments related to violations Article 6 of the European Convention on Human Rights, and reaction/compensation for the purpose of protection of Right to Trial within a Reasonable Time.

According to Article 46 of the European Convention on Human Rights, Committee of Ministers of the Council of Europe monitors enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on regular basis and number of Action plans and action reports have been submitted to the Committee of Ministers.

Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor - only if they have submitted a property claim (pecuniary damages). The protection of other various aspects of the rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution (Official Gazette of the Republic of Serbia No 98/06), the Law on the Constitutional Court ("Official Gazette of the RS", No. 109/2007, 99/2011, 18/2013 - decision of the CC, 103/2015 and 40/2015 - other Law), the Law on the Organization of Courts ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the CC, 87/2018 and 88/2018 - decision of the CC), and the Law on the Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015).

Since the Republic of Serbia became part of the Convention system in 2004 the European Court has adopted many judgments and decisions establishing a violation of the right to trial within a reasonable time in respect of the Republic of Serbia (Nemet v. Serbia, no. 22543/05, judgment of 8 December 2009; Riđić and Others v. Serbia, no. 53736/08, judgment of 1 July 2014; etc.). In order to fully execute the mentioned judgments and decisions the Republic of Serbia adopted special domestic remedies with a view to preventing new violations of the right to trial within a reasonable time.

Concretely, the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015) was adopted and entered into force on 1 January 2016. The purpose of this law was to provide judicial protection of the right to a trial within a reasonable time and thus prevent future occurrences of a violation of this right. The Law is applied both in respect of criminal investigation and civil procedures.

The law introduces an objection as a legal remedy proposing the expedition of court proceedings and of which the President of the court decides, in a procedure to which the provisions of the Law on non-contentious procedure are applied. In case a party is not satisfied with the outcome, an appeal can be submitted. On the other hand, the Law introduces a request for just satisfaction, as a remedy to provide a party with satisfaction in cases where this right was violated. The satisfaction can be obtained in the following forms: the right to be paid financial compensation for non-pecuniary damage and the right to publish a written statement by the State Attorney's Office establishing that the right to a trial within a reasonable time has been violated, including the right to publish a judgment declaring that the party has been violated the right to a trial within a reasonable time.

Q261 (General Comment): Yes. Law of the Republic of Serbia enables a review of a case of the Court previously established a violation of rights guaranteed by the Convention. Actually, Law on Civil Procedure, Criminal Procedure Code and Law of the Administrative Procedure, through prescribed extra-ordinary legal remedies, enable the review of cases following the Court's decision's establishing infringement of rights and freedoms set in the Convention. Art. 426 Par. 1 Line 11 of the Civil Procedure Code: The procedure that has been legally terminated by the court's decision can be repeated at the party's proposal if the party gets the opportunity to use the decision of the European Court of Human Rights, which established a violation of human rights, and this could have had an impact on the adoption of a more favorable decision

Art.485 Par.1 Line 3 of The Criminal Procedure Code: A request for the protection of legality may be submitted if a final decision or a decision in the procedure that preceded its adoption violated or denied the human right and freedom of the defendant or another participant in the procedure that is guaranteed by the Constitution or the European Convention on the Protection of Human Rights and Fundamental Freedoms and additional protocols , and this was determined by the decision of the Constitutional Court or the European Court of Human Rights.

Art.485 Par.3 of the Criminal Procedure Code: The request for protection of legality for the reasons prescribed in paragraph 1. line 2) and 3) of this article can be submitted within three months from the day when the decision of the Constitutional Court or the European Court of Human Rights was delivered to the person (Article 483, paragraph 1).

Q261 (2022): Please see the general comment section

Q261 (2019): In criminal proceedings, on the basis of Article 485 para. 1 point 3) of the Law on Criminal Procedure ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019) a criminal case can be reviewed upon a decision of the European Court. It is possible to file a request for the protection of legality after a decision of the European Court of Human Rights if human rights and freedoms of the defendant or other participant in the procedure guaranteed by the Constitution or the European Convention have been violated or denied, as established by a decision of the Constitutional Court or the European Court of Human Rights.

Pursuant to the Law on Civil Procedure ("Official Gazette of the RS", No. 72/2011, 49/2013 - decision of CC, 74/2013 - decision of CC, 55/2014 and 87/2018), there is a possibility for reopening a litigation proceedings which has ended with legally binding court decision in case a decision of the European Court was issued by which a violation of human rights was found, which can be of significance for adopting more favorable decision for the applicant.

According to the Law on General Administrative Procedure ("Official Gazette of the RS, No.18/2016 and 95/2018- authentic interpretation) there is a possibility of reopening a case in case the European Court has established a violation in respect of the same administrative matter, i.e. if the position from a subsequent decision of the European Court of Human Rights in the same matter may have an impact on the legality of a legally binding judicial procedure.

Question 260. Is there in your country a monitoring system for violations related to Article 6 of the European Convention on Human Rights?

Question 261. Is there in your country a possibility to review a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

Question 260

Albania

(General Comment): "For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has 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 for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors."

The final judgments of the European Court of Human Rights (herein after ECHR), in every case where Albania is a party are binding and are enforced following the procedures provided by Law No. 10018 "On the State Advocature", Chapter V/I "On the execution of Judgments and Decisions of the European Court of Human Rights".

The State Advocature, in the quality of the representative and defender of the interests of the state at the ECHR, is the competent institution for the initiation of the procedures for the execution of the ECHR judgments and decisions.

Upon receiving notice on the final judgment, the State Advocature, within 10 working days, forwards the judgment for translation and certification to the Ministry of Justice. A copy of the original judgment and a translated and certified copy by the Ministry of Justice are sent to the Constitutional Court, Supreme Court and other institutions, for the effect of a unified application of the judicial practice. By informing the aforementioned institutions, the ECHR's decision/judgment, reasoning and found violations become known with a view to unifying practices and preventing similar cases in the future.

The State Advocature is responsible for the coordination of the execution process, drafting of action plans (individual and general measures) and reports, representation in front of the Committee of Ministers of the Council of Europe, and the monitoring of the execution of the ECHR decisions/judgments by the national authorities. Also, the State Advocature has the right to suggest general preventive measures with regard to the necessary changes in legislation or practices that may cause a financial damage to the state as a result of the violation of the European Convention on Human Rights.

The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights' judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy:

-Referring to Article 6 of the European Convention, we would like to emphasize the amendments to the Civil Procedure Code in 2017, where it is added Chapter X by Law no.

(2021): For civil procedures (non-enforcement) The code of Civil Procedure, specifically in article 399/3 has 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 for adjudication of crimes shall be 2 years and for misdemeanors 1 year, the time limit of completion of a trial on appeal shall be 1 year for crimes and 6 months for misdemeanors, and the time limit of completion of a trial at the High Court shall be 1 year for crimes and 6 months for misdemeanors.”

(2019): The final judgments of the European Court of Human Rights (herein after ECtHR), in every case where Albania is a party are binding and are enforced following the procedures provided by the Law Nr. 10018 “On the State Advocature”, Chapter V/I “On the execution of Judgments and Decisions of the European Court of Human Rights”. The State Advocate, in the quality of the representative and defender of the interests of the state at the ECtHR, is the competent institution for the initiation of the procedures for the execution of the ECtHR judgments and decisions.

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The State Advocate General, in the quality of the government agent, reports at least once a year to the Standing Committee on Legal Affairs, Public Administration and Human Rights of the Assembly of the Republic of Albania on the execution of the European Court of Human Rights judgments and the measures undertaken in this regard. Law amendments in function of domestic effective remedy

-Referring to Article 6 of the European Convention, it is worth to mention the amendments to the Civil Procedure Code in 2017, added Chapter X by Law no. 38/2017, dated 30.03.2017 "Judgments on requests for ascertaining violations of reasonable time, expedition of proceedings and compensation for damage", in order to prevent the violation of reasonable time.

-Regarding to decisions subject to review, Criminal Procedure Code is also amended by Law no. 35/2017, dated 30.03.2017, Article 450 “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...”

Bosnia and Herzegovina

(General Comment): Bosnia and Herzegovina is represented before the European Court of Human Rights by its Agent (Agent of the Council of Ministers before the European Court of Human Rights). It is also within the scope of work of the Agent to coordinate and monitor implementation of the ECHR's decisions regarding BiH and to report on this issue to the Council of Ministers of BiH and the Committee of Ministers of the Council of Europe. If violation of the Convention is established by the final decision of the ECHR, the Agent will take all actions necessary to ensure its implementation, from translating and distributing such decision to responsible domestic authorities, to conducting intensive and continuous cooperation with them, as well as with the Department for the Execution of Judgments of the ECHR. Furthermore, if Agent finds that domestic law, applicable in the case submitted to the ECHR, is not in line with European Convention, Agent will initiate, through competent authorities, procedure to amend and harmonize respective regulation. Agent has a deputy and an office (Office of the Agent of the Council of Ministers before the European Court of Human Rights). Office of the Agent is tasked to follow domestic and international regulation relevant for the protection of the human rights, and to follow and analyze the practice of the ECHR. Specific institutional 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 been exhausted while the Court shall also consider the effectiveness of possible legal remedies. If the Constitutional Court finds an appeal well-founded, it may decide on the merits or it may quash the challenged decision and refer the case back to the court that adopted the judgment for renewed proceedings. The court whose decision has been quashed is obligated to take another decision in expedient proceedings and, in doing so, it shall be bound by the legal opinion of the Constitutional Court concerning the violation of the appellant's rights and the fundamental freedoms guaranteed under the Constitution. If the Constitutional Court finds that violation of human rights is caused by systematic flaws in functioning or organization of the public authorities or by inadequate regulations, it may, in a decision granting an appeal, instruct competent institutions to implement measures aiming to eliminate causes that led to such violation.

Montenegro

(General Comment): The Law on the Protection of the Right to Trial Within a Reasonable Time provides mechanisms for the protection of this right. The parties may file a request for control to the President of the court before which the proceeding is being active, i.e. an action for fair redress shall be brought before the Supreme Court. Statistical data on these cases and duration of any other case can be obtained through the Judicial Information System (PRIS).

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North Macedonia

(General Comment): The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism. It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of the State. The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of the State, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future. 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 and it is also tasked with recommending measures for its improvement. With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (accelerator remedy).

(2022): Please, see the general comment.

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Serbia

(General Comment): Office of the Agent of the Republic of Serbia before the European Court of Human Rights (hereinafter: the Court) , performs monitoring of violations of the Article 6 of the European Convention on Human Rights (hereinafter: the Convention) in capacity of authority competent to take care of the execution of judgments and decisions rendered by the Court. Following the delivery of judgments establishing violation of Article 6 of the Convention, the Agents office translate the judgment concerned and publishes it in Official Journal, as well as informs domestic courts or other domestic authorities , which acts or omissions led to the violation of the right about the Court's findings. Having in mind that the Agent's office deals with the process of the execution of the Court's judgments and decision's , it cooperates with domestic authorities in order to prepare and enforce appropriate measures to prevent similar violations in future. Moreover, on the request of the Agent's office, all domestic authorities are expected to provide necessary data in order to be presented before the Committee of Ministers of the Council of Europe in the form of action plans or action reports. Presented monitoring system is operated by the Agent's office and it is at the State level. There is no separate mechanism in the Republic of Serbia dedicated only to the monitoring of the violations related to Article 6 of the Convention.

(2022): The Law on the protection of the right to a trial within a reasonable time (from 2015)

(2019): A specific procedure exists for monitoring of ECHR judgments related to violations Article 6 of the European Convention on Human Rights, and reaction/compensation for the purpose of protection of Right to Trial within a Reasonable Time.

According to Article 46 of the European Convention on Human Rights, Committee of Ministers of the Council of Europe monitors enforcement of judgments and decisions of the Court issued against all the contracting parties including the Republic of Serbia. Therefore, The Public Attorney's Office is obliged to submit reports on payments of compensation awarded, to the Committee of Ministers of the Council of Europe. This has been done on regular basis and number of Action plans and action reports have been submitted to the Committee of Ministers.

Concerning the prevention of similar violations of the part of Article 6, which relates to the trial within a reasonable time, it is exercised by courts of general and special jurisdiction on the requests of the party. The Law on the Protection of the Right to a Trial within a Reasonable Time stipulates that this right is one of the aspects of the right to a fair trial under Article 6 of the ECHR. The right to a trial within a reasonable time is granted to each party to the court proceedings, including the enforcement proceedings, each party under the law governing non-contentious proceedings, and the injured parties in criminal proceedings, the private prosecutor and the injured party as a prosecutor - only if they have submitted a property claim (pecuniary damages). The protection of other various aspects of the rights under Article 6 ECHR is exercised before the Constitutional Court by lodging a constitutional complaint. Sources are the RS Constitution (Official Gazette of the Republic of Serbia No 98/06), the Law on the Constitutional Court ("Official Gazette of the RS", No. 109/2007, 99/2011, 18/2013 - decision of the CC, 103/2015 and 40/2015 - other Law), the Law on the Organization of Courts ("Official Gazette of the RS", No. 116/2008, 104/2009, 101/2010, 31/2011 - other Law, 78/2011 - other Law, 101/2011, 101/2013, 106/2015, 40/2015 - other Law, 13/2016, 108/2016, 113/2017, 65/2018 - decision of the CC, 87/2018 and 88/2018 - decision of the CC), and the Law on the Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015).

Since the Republic of Serbia became part of the Convention system in 2004 the European Court has adopted many judgments and decisions establishing a violation of the right to trial within a reasonable time in respect of the Republic of Serbia (Nemet v. Serbia, no. 22543/05, judgment of 8 December 2009; Ridić and Others v. Serbia, no. 53736/08, judgment of 1 July 2014; etc.). In order to fully execute the mentioned judgments and decisions the Republic of Serbia adopted special domestic remedies with a view to preventing new violations of the right to trial within a reasonable time.

Concretely, the Law on Protection of the Right to a Trial within a Reasonable Time ("Official Gazette of the RS", No. 40/2015) was adopted and entered into force on 1 January 2016. The purpose of this law was to provide judicial protection of the right to a trial within a reasonable time and thus prevent future occurrences of a violation of this right. The Law is applied both in respect of criminal investigation and civil procedures.

The law introduces an objection as a legal remedy proposing the expedition of court proceedings and of which the President of the court decides, in a procedure to which the provisions of the Law on non-contentious procedure are applied. In case a party is not satisfied with the outcome, an appeal can be submitted. On the other hand, the Law introduces a request for just satisfaction, as a remedy to provide a party with satisfaction in cases where this right was violated. The satisfaction can be obtained in the following forms: the right to be paid financial compensation for non-pecuniary damage and the right to publish a written statement by the State Attorney's Office establishing that the right to a trial within a reasonable time has been violated, including the right to publish a judgment declaring that the party has been violated the right to a trial within a reasonable time.

Question 261

Albania

(General Comment): Yes it is possible to review a case after a decision on violation of human rights by the European Court of Human Rights. This is provided by the legal basis as follows:

- Article 450 of Criminal Procedure Code “Revision cases...d) if the ground for the revision of the final decision results from a European Court of Human Rights judgment making the re-adjudication of the case indispensable. The request shall be filed within 6 months from the notification of that decision...” and
- Article 494 of Civil Procedure Code “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”.

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- Civil Procedure Code – Article 494 “Request for reconsideration and cases of reconsideration.... e) where the European Court of Human Rights finds a violation of European convention “On protection of fundamental human rights and freedoms” and its protocols, ratified by the Republic of Albania”

Bosnia and Herzegovina

(General Comment): If the verdict of the European Court establishes a violation of the right to a fair trial that is of a nature that can only be resolved by reopening the criminal proceedings, the national court that violated such right in criminal proceedings, as stipulated with the Convention, shall reopen the criminal proceedings. The criminal procedure codes in Bosnia and Herzegovina explicitly prescribe that criminal proceedings may be reopened in favour of the accused if the Constitutional Court of Bosnia and Herzegovina or the European Court of Human Rights establish that human rights and fundamental freedoms were violated during the proceedings or that the verdict was based on these violations. The Rules of the Constitutional Court, prescribe that, exceptionally, if the European Court of Human Rights finds that human rights concerning access to a court have been violated in proceedings before the Constitutional Court and if the decision of the Constitutional Court is based on such a violation, the Constitutional Court shall renew proceedings not later than three months from the finality of the judgment of the European Court of Human Rights. Based on the verdict of the European Court of Human Rights in the case *Avdic and Others vs Bosnia and Herzegovina*, ap. no. 28357/11, which established a violation to Mr Avdic's right to a fair trial in proceedings before the Constitutional Court of BiH, proceedings were reopened before the same court in order to address the violation of the applicants rights, as identified. At the same time, a Decision was also rendered on amendments to the Rules of the Constitutional Court in order to avoid future human rights violations on such grounds as in the Avdic case. Based on the verdict of the European Court in the case *Maktouf & Damjanovic vs Bosnia and Herzegovina*, ap. no. 2312/08 & 3478/09, that established a violation of the rights from Article 7 of the Convention of the applicants in criminal proceedings against them before 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. Subsequent to the verdict of the European Court in the case *Muslija Adnan vs Bosnia and Herzegovina*, app. no. 32042/14, establishing a violation of the rights of the applicant pursuant to Article 4 of Protocol no. 7 to the Convention, criminal proceedings were reopened in favour of the convicted person – applicant Mr Muslija. Also, the civil procedure codes in Bosnia and Herzegovina have been amended enabling the parties to civil proceedings to request from the first instance court to reopen their case, if the European Court of Human Rights makes a decision that the court in Bosnia and Herzegovina in its judgment had made an infringement of one's human rights, or basic freedoms. The party to the civil proceeding may request from the first instance court to reopen the proceeding within 90 days from the day of the final judgment of the European Court of Human Rights.

Montenegro

(General Comment): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure. In the reopening of procedure, the court is bound by the legal views expressed in the final judgment of the European Court of Human Rights by which is established violation of basic human right or freedom. Also, the Criminal Procedure Code defines the possibility that the criminal procedure finalized by a final verdict is repeated in favour of the accused person, if by the decision of the European Court of Human Rights or another court established by a ratified international treaty it was found that human rights and fundamental freedoms have been violated in the course of the criminal proceeding and that the judgment is based on such violation, provided that the reopening of the proceedings can remedy such violation.

Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Administrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

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(2019): The Law on Civil Procedure defines that when the European Court of Human Rights establishes violation of human rights and fundamental freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the party may, within three months from the final judgment of the European Court of Human Rights, submit request to the court which judged in the first instance in the case where a decision that violates human rights and fundamental freedom was made, to change the decision by which that right or fundamental freedom has been violated, if committed violation cannot be removed in any other way except by reopening of procedure. 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 the proceedings can remedy such violation. Also, the Law on Administrative Dispute defines as one of the reasons for the repeating the proceeding finalized by final decision – contrast of the verdict of the Administrative court from the verdict of the European Court of Human Rights in the same matter. Proceeding is repeated upon the request of the party.

North Macedonia

(General Comment): There are provisions in procedural laws (Law on Criminal Procedure, Law on Civil 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.

(2022): Please, see the general comment.

(2020): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

(2019): There are such kind of provisions in procedural laws (Law on Criminal Procedure, Law on Civil Procedure and the Law on Administrative Disputes).

Serbia

(General Comment): Yes. Law of the Republic of Serbia enables a review of a case of the Court previously established a violation of rights guaranteed by the Convention. Actually, Law on Civil Procedure, Criminal Procedure Code and Law of the Administrative Procedure, through prescribed extra-ordinary legal remedies, enable the review of cases following the Court's decision's establishing infringement of rights and freedoms set in the Convention. Art. 426 Par. 1 Line 11 of the Civil Procedure Code: The procedure that has been legally terminated by the court's decision can be repeated at the party's proposal if the party gets the opportunity to use the decision of the European Court of Human Rights, which established a violation of human rights, and this could have had an impact on the adoption of a more favorable decision

Art.485 Par.1 Line 3 of The Criminal Procedure Code: A request for the protection of legality may be submitted if a final decision or a decision in the procedure that preceded its adoption violated or denied the human right and freedom of the defendant or another participant in the procedure that is guaranteed by the Constitution or the European Convention on the Protection of Human Rights and Fundamental Freedoms and additional protocols , and this was determined by the decision of the Constitutional Court or the European Court of Human Rights.

Art.485 Par.3 of the Criminal Procedure Code: The request for protection of legality for the reasons prescribed in paragraph 1. line 2) and 3) of this article can be submitted within three months from the day when the decision of the Constitutional Court or the European Court of Human Rights was delivered to the person (Article 483, paragraph 1).

(2022): Please see the general comment section

(2019): In criminal proceedings, on the basis of Article 485 para. 1 point 3) of the Law on Criminal Procedure ("Official Gazette of the RS", No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013, 55/2014 and 35/2019) a criminal case can be reviewed upon a decision of the European Court. It is possible to file a request for the protection of legality after a decision of the European Court of Human Rights if human rights and freedoms of the defendant or other participant in the procedure guaranteed by the Constitution or the European Convention have been violated or denied, as established by a decision of the Constitutional Court or the European Court of Human Rights.

Pursuant to the Law on Civil Procedure ("Official Gazette of the RS", No. 72/2011, 49/2013 - decision of CC, 74/2013 - decision of CC, 55/2014 and 87/2018), there is a possibility for reopening a litigation proceedings which has ended with legally binding court decision in case a decision of the European Court was issued by which a violation of human rights was found, which can be of significance for adopting more favorable decision for the applicant.

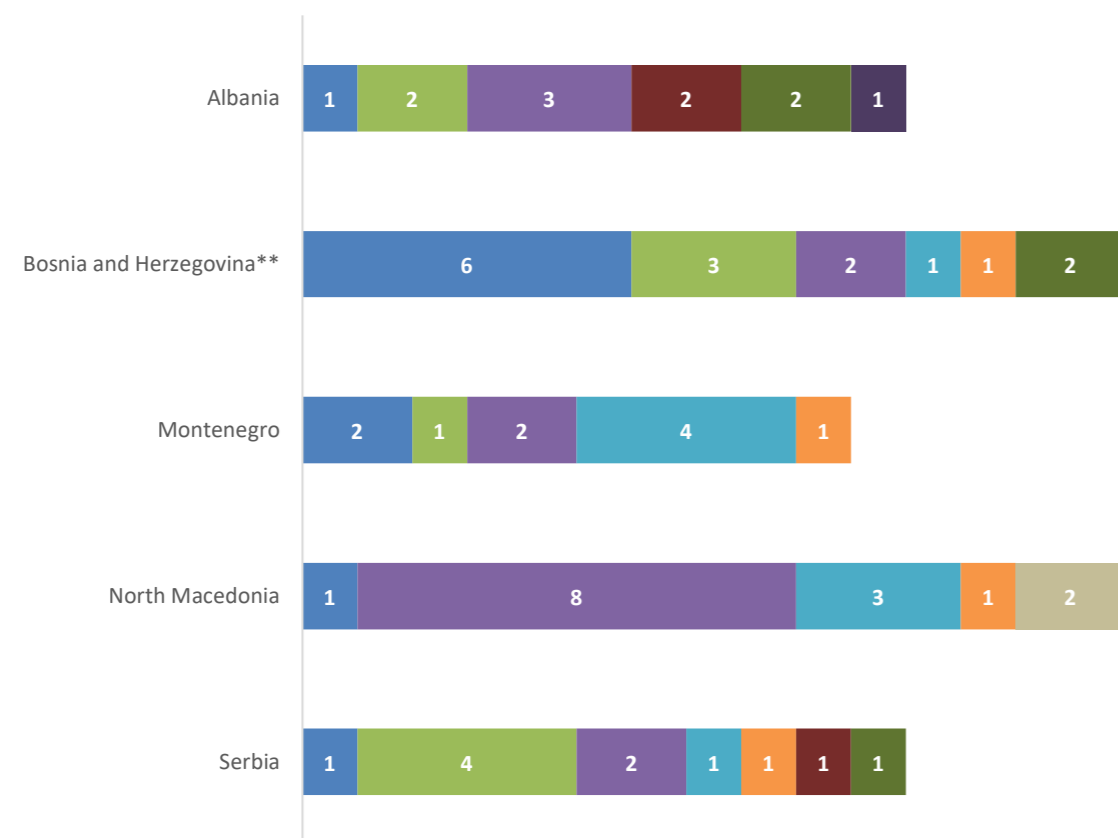
According to the Law on General Administrative Procedure ("Official Gazette of the RS, No.18/2016 and 95/2018- authentic interpretation) there is a possibility of reopening a case in case the European Court has established a violation in respect of the same administrative matter, i.e. if the position from a subsequent decision of the European Court of Human Rights in the same matter may have an impact on the legality of a legally binding judicial procedure.

11. Council(s) for the judiciary - Overview

Number of members of the council (s) for the judiciary in 2022 (Table 11.1.2)

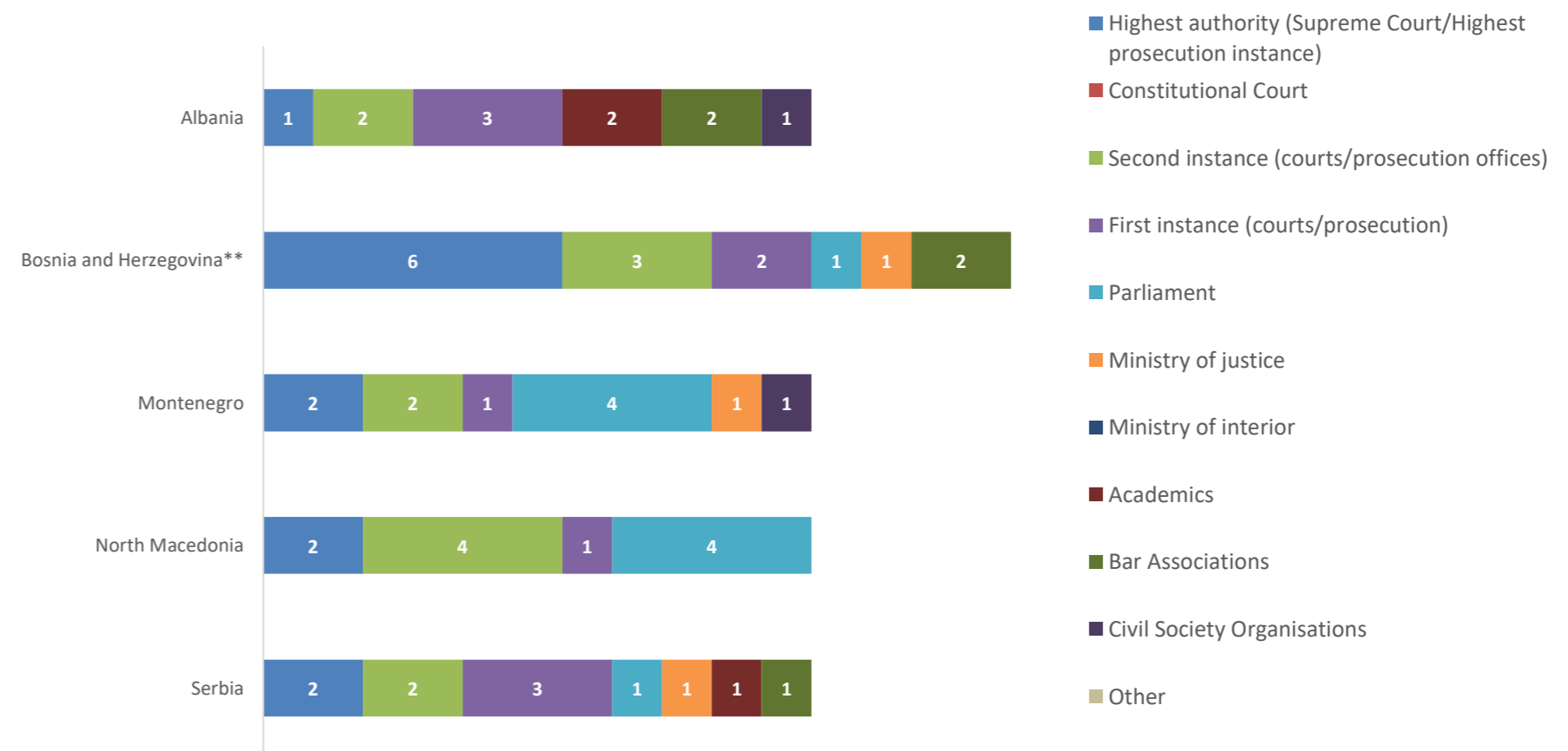
Beneficiaries	Single Council for the judiciary	Council only for judges	Council only for prosecutors
Albania	NAP	11	11
Bosnia and Herzegovina	15	NAP	NAP
Montenegro	NAP	10	11
North Macedonia	NAP	15	11
Serbia	NAP	11	11
Kosovo*	NAP	13	13

Figure 11.1 Number of members of the council for judges in 2022



** Please note that Bosnia and Herzegovina has a one Council for both judges and prosecutors.

Figure 11.2 Number of members of the Council for prosecutors in 2022



* This designation 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(s) for the judiciary - List of tables

Table 11.1.1 Competence of the Council(s) for the judiciary and existence of selection criteria for non-judge/non-prosecutors members in 2022 (Q265 and Q268)

Table 11.1.2 Number of members and composition of the Council(s) for judiciary in 2022 (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 2022 (Q269 and Q270)

Table 11.1.4 Accountability measures and competences of the Council(s) for the judiciary in 2022 (Q273 and Q274)

Table 11.1.1 Competence of the Council(s) for the judiciary and existence of selection criteria for non-judge/non-prosecutors members in 2022 (Q265 and Q268)

Beneficiaries	Council(s) for the judiciary			Existence of selection criteria for non-judge/non-prosecutor members in the council(s)
	Single council for the judiciary (for both judges and prosecutors)	Council only for judges	Council only 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.


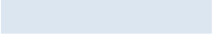
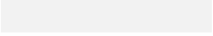

Table 11.1.2 Number of members and composition of the Council(s) for judiciary in 2022 (Q266)

Beneficiaries	Single Council for the judiciary												Council only for judges										Council only for prosecutors													
	Total	Members proposed by:											Total	Members proposed by:										Total	Members 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	Other
Albania	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP	11	1	NAP	2	3	NAP	NAP	NAP	2	2	1	NAP
Bosnia and Herzegovina	15	6	NAP	3	2	1	1	NAP	NAP	2	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	
Montenegro	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	10	2	NAP	1	2	4	1	NAP	NAP	NAP	NAP	NAP	11	2	NAP	2	1	4	1	NAP	NAP	NAP	1	NAP
North Macedonia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	15	1	NAP	NAP	8	3	1	NAP	NAP	NAP	NAP	2	11	2	NAP	4	1	4	NAP	NAP	NAP	NAP	NAP	
Serbia	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	11	1	NAP	4	2	1	1	NAP	1	1	NAP	NAP	11	2	NAP	2	3	1	1	NAP	1	1	NAP	NAP
Kosovo*	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	NAP	13	2	NAP	2	3	6	NAP	NAP	NAP	NAP	NAP	NAP	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 2022 (Q269 and Q270)



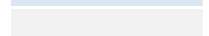
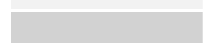
Beneficiaries	Term of office as member of the council (in years)			Conditions for the term of office of members of the Council(s)								
				Single council for the judiciary			Council for judges only			Council for prosecutors only		
	Single council for the judiciary	Council for judges only	Council for 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 2022 (Q273 and Q274)

Beneficiaries	Accountability measures in place regarding the activities of the Council(s)												Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor			
	Single council for the judiciary				Council for judges only				Council for prosecutors only				Single council for the judiciary		Council for judges only	Council for prosecutors only
	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	Published activity reports	Published decisions	Reasoned decisions	Other	For judges	For prosecutors		
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 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 bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Albania

Q265 (General Comment): There are two Councils, one for the judiciary and one for the prosecution service, each composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from 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 prosecutors of all levels of the prosecution system and five members are selected by the Assembly among jurists who are not prosecutors.

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 lay members 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 candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.

8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but not more than two times. In case the Assembly shall, after conducting the procedure for the third time, not approve the presented list, the candidates of this list shall be deemed elected. Detailed procedures shall be regulated by law.

9. The Chairperson of the High Judicial Council shall be elected at the first meeting of the Council from among the lay members in accordance with the law. 10. Members of the High

Q266 (2020): The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law.

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 institution proposes more than one member, and the Assembly has the right to choose one of the members proposed.

Q266 (2019): 5 members that are elected by the Assembly, for each council, they are elected through a procedure, that the proposal comes from academics (2 members), bar association (2 members) and civil society organisations (1 member)

Q267 (General Comment): Based on the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council is a collegial body, consisting of eleven members, who serve full-time. Six of the Council members are judges from all levels of the judiciary. The General Meeting of Judges of all levels elects 6 members of the High Judicial Council, according to the following report: a) three of the elected are first instance courts. At least 1 of them is a judge in a court of first instance outside Tirana; b) two of the elected are judges of the courts of appeal. At least 1 of them is a judge in an appellate court outside Tirana; c) one of the elected members is a judge at the High Court. The chair of the High Court announces the call for the expression of interest by judges interested in the position of a member of the High Judicial Council. Within 15 days of the announcement of the call for the expression of interest, the concerned prosecutors shall express their interest in a written request to the chair. Within the deadline for submission of expressions of interest, the chair of the High Court shall verify the fulfilment of the conditions by the candidates, according to the provisions of this law. Appeals against decisions to exclude candidates only for serious procedural violations are made to the Administrative Court of Appeal no later than 5 days from the date of notification of the decision. Not later than two months before the expiry of the term of office of the Members of the High Judicial Council in office, the chair of the high court convenes the General Meeting of Judges of all levels to elect the members of the Council. The voting for the election of members of the High Judicial Council from the General Meeting of Judges is secret and individual. At the conclusion of the voting process, under the responsibility of the chair of the High Court, members of the voting committee open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary election result. Complaints for violation of procedure related to convening the General Meeting of Judges, verification of participation, voting and counting of votes, ascertaining and declaring invalid and declaring the result during the General Meeting of Judges for the election of Council

Q268 (General Comment): The other five members of the Council (in total are 11 members) are non-judge/non-prosecutor, 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 society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council. The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates. These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;
- c) at the time of candidacy, to be full-time lecturers not less than 5 years in the law faculty of a higher education institution or internal

Q268 (2021): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
- j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.

The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;

Q268 (2019): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
- j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.

The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;

Q269 (General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

Q269 (2019): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

Q270 (General Comment): As per article 3.4, Law 115/2016 "The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election".

Q270 (2019): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”

Q273 (General Comment): Meetings’ minutes and recordings published in their respective websites.

Q273 (2019): Meetings’ minutes and recordings published in their respective websites

Q274 (General Comment): According to Article 185, of the Law “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

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

Q274 (2021): According to Article 185, of the Law “On the governance institutions of the justice system”, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

Q274 (2019): According to the Law “On the governance institutions of the justice system”, as amended, the both councils may, on its own initiative or on the basis of prosecutors' or judges' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

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

Q266 (General Comment): There is a single regulatory body in Bosnia and Herzegovina (BiH), the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the 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 prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska;
14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

Q266 (2019): There is a single regulatory body in BiH, the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected. Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

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3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the 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 prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska;
14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

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

Q268 (General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

Q268 (2022): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of 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

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Q270 (General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two 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 be four (4) years or until the expiration or termination of his/her

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Q272 (General Comment): In accordance with the HJPC Law (Article 14), the Council acts and decides as a single 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. The Council member whose exemption is being discussed may participate in that discussion, or make a statement on the request related to his/her exemption, but may not vote on his/her own exemption. An exempted member of the Council may not participate in a proceeding or discussion related to the issue for which he/she was exempted.

The Rulebook on Conflict of Interest of the HJPC members prescribes cases in which a conflict of interest is presumed. A member of the Council is obliged to resign from membership in the Council if he/she or his child, parent, adoptee, adoptive parent, and spouse or partner apply for a vacant position in the judiciary. In other cases of presumed conflict of interest, a member of the Council is obliged to request his/her exemption from the panel for interviewing, from the procedure of nomination and appointment of candidates, as well as disciplinary procedure, fully and immediately upon learning of the existence of such circumstances. The existence of a conflict of interest in other situations not covered by the presumed conflict of interest is decided by the Council in each specific case. Compliance with the Rules on Conflict of Interests is ensured by its provision regulating that acting contrary to this act shall be considered as violation of impartiality and independence in performing of the duties of a member of the Council, which may form the basis for initiating the dismissal procedure.

Q273 (General Comment): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.

The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.

The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).

The HJPC regularly processes the requests for free access to information relating to the work of the HJPC.

The HJPC holds annual conferences for courts presidents and chief prosecutors, as well as thematic 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.

Link for publications : <https://vstv.pravosudje.ba/>

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Q274 (General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal laws 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

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Montenegro

Q265 (2022): There are two separate bodies. Judicial Council and Prosecutorial Council

Q266 (General Comment): CONSTITUTION OF MONTENEGRO (“Official Gazette of Montenegro”, No. 1/2007, 38/2013)

„Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

The Law on Judicial Council and Judges specifies that the members of the Judicial Council from among the judges shall be: 1) three members from among the judges of the Supreme Court of Montenegro (hereinafter referred to as "the Supreme Court"), the Appellate Court of Montenegro (hereinafter referred to as "the Appellate Court"), the Administrative Court of Montenegro (hereinafter referred to as "the Administrative Court"), High Misdemeanour Court of Montenegro (hereinafter referred to as "the High Misdemeanour Court"), Commercial Court of Montenegro (hereinafter referred to as "the Commercial Court") and High Courts, having at least ten years of work experience as judges; 2) One member from among the judges of the Basic Courts and Misdemeanour Courts, having at least five years of work experience as judges (article 12). Moreover, the same legal provision provides for that a judge who received a grade of not satisfactory or who was pronounced a disciplinary sanction may not be appointed as a member of the Judicial Council from among the judges.

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

Q266 (2022): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.

Q266 (2019): CONSTITUTION OF MONTENEGRO

(“Official Gazette of Montenegro”, No. 1/2007, 38/2013)

„Composition of the Judicial Council

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The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

LAW ON STATE PROSECUTION SERVICE

(“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017 and 10/2018)

„Composition of the Prosecutorial Council

Article 18

Prosecutorial Council shall have a president and ten members.

The Supreme State Prosecutor shall be the President of the Prosecutorial Council.

The following shall be the members of the Prosecutorial Council:

- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four of whom from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;
- 2) four eminent lawyers elected and dismissed by the Parliament of Montenegro (hereinafter referred to as "the Parliament") upon proposal of the relevant working body;
- 3) one representative of the state administration body responsible for judicial affairs (hereinafter referred to as: "the Ministry of Justice") appointed by the Minister of Justice from

Q267 (General Comment): 267/3 Unofficial translation.

Q268 (General Comment): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

"Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and

Q268 (2019): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

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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

Q270 (General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

Q270 (2019): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the 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

Q273 (2019): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

Q274 (General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.

No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.

State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)

Council of Prosecutors Article 136

The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding.

The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor;

2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4) propose to the Government the amount of funds for the work of the state prosecution; 5) submit the Report on Performance of the State

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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, organisation 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 Government the amount of funds for the work of the state prosecution; 5) submit the Report on Performance of the State

North Macedonia

Q265 (General Comment): The Judicial Council consists of 15 members, out of whom: -~~The~~ the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice as ex officio members; - eight members of the Council elected by the judges from among their ranks,

three of the elected members are members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -~~The~~ the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes

from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -~~Two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of

North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

Q265 (2022): See the general comment.

Q266 (General Comment): LAW ON THE COUNCIL OF PUBLIC PROSECUTORS Commission for preparation of lists of 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 Prosecution Office of the Republic of North Macedonia, polling place number 5 and - as a single special list of

Q266 (2022): 1. Other>

1.1. Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the 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.

1.2. Four members of the Council of Public Prosecutors are elected by the Parliament, from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.

2. The system for election of the judge as a member of Judicial Council: 8 members of the Judicial Council shall be elected by the judges from among their ranks. The judge could be either from basic (primary) court or from appellate court, but she/he must fulfill the conditions and qualifications prescribed by the Law. It depends in concrete case: essential is that the judge must be from the court in the concerned appellate region, but he could be either as a judge at first instance court or as a judge at second instance court.

Law on Judicial Council

Election from appellate regions

Article 17

In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows:

- one member is elected from the appellate region Skopje,
- one member is elected from the appellate region Bitola,
- one member is elected from the appellate region Gostivar,
- one member is elected from the appellate region Štip,
- one member is elected from the Supreme Court of the Republic of Macedonia,
- two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory and
- one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory.

Q266 (2021): - Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the 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 could be either from basic (primary) court or appellate court, he/she must fulfill the conditions and qualifications prescribed by the Law. It depends in every concrete case, essential is that the judge or public prosecutor must be from the court/p.p. office in the concerned appellate region and he/she can be judge at basic or at appellate court.

Q266 (2019): The Judicial Council shall consist of 15 members, out of whom: ~~The~~ president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; ~~Eight~~ eight members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; ~~The~~ Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and ~~Two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. The Council of Public Prosecutors is composed by 11 members:

~~The~~ Chief Public Prosecutor of the Republic of Macedonia as ex officio member;

~~One~~ One member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;

~~Public~~ Public prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;

~~One~~ One member of the Council, a member of a community that does not constitute a majority in the Republic of Macedonia, shall be elected by all public prosecutors in the Republic of Macedonia, from within their ranks; and

~~Four~~ Four members of the Council shall be elected by the Parliament of the Republic of Macedonia, from the ranks of university law professors, attorneys and other renowned lawyers, of which two shall be members of the communities that do not constitute a majority in the Republic of Macedonia.

Q268 (General Comment): 1. Criteria for non-judge members in the Judicial Council (article 11 - Law on the Judicial Council)

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia 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,

- ~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

- ~~to~~ 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 action and - to not have been convicted by an effective court verdict of a criminal offense of abuse of official position and authorization in the performance of their function or other criminal offense of unconditional imprisonment of at least six months, thus rendering them unworthy to perform the function of a member of the Council.

(2) The members of the Council elected by the Parliament shall be university professors of law, attorneys, former judges of the Constitutional Court, international judges and other

Q268 (2019): Law on Judicial Council

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: -~~to~~ be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

-~~to~~ has a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: - to be a citizen of the Republic of North Macedonia, -~~to~~ be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

-~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

-~~to~~ has a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office or a person who has been dismissed from a judicial or public prosecutor's office shall not be elected as a member of the Council, except for cases when the European Court of Human Rights has established violation of the Convention in the dismissal procedure, or a person who in the last four years was an MP, a member of the Government, or held office in a political party.

The members of the Council elected by the Parliament, as well as the members elected by the Parliament that were proposed by the President of the Republic of North Macedonia,

Q269 (2022): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

Q269 (2021): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

Q273 (General Comment): http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAawsvA183A39LQwcQ_1DzSw93lxCCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBIS9nQSEh/
<http://sjorm.gov.mk/>

Q273 (2021): The new Law on Council of public prosecutors form 2020 has a rule for reasoning decisions. Article 10 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 shall be audio or audio-visually recorded. The adopted minutes shall be published on the Council's website. In practice, the Council still publishes only the decisions (without the part of explanation).

Q273 (2019): http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAawsvA183A39LQwcQ_1DzSw93lxCCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBIS9nQSEh/
<http://sjorm.gov.mk/>

Q274 (General Comment): The Judicial Council of the Republic of North Macedonia is an autonomous and 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 duration of at least five years is foreseen. The Judicial Council of the Republic of North Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge's immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.

According to the article 7 from the Law on PPO, the public prosecutor shall perform their function in a lawful, impartial and objective manner, shall respect and protect human and

Q274 (2022): Please, see the general comment.

Q274 (2019): The Judicial Council of the Republic of North Macedonia is an autonomous and 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 duration of at least five years is foreseen. The Judicial Council of the Republic of Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge's immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.

Pursuant to Article 5 of the Law on Public Prosecution Office (Law on PPO), it is determined that public prosecutors perform their function legally, impartially and objectively,

Serbia

Q265 (General Comment): Two councils exist: the High Court Council (Competent only for judges) and the State Prosecutorial Council (Competent only for prosecutors).

Q265 (2019): Two councils exist: the High Court Council (Competent only for judges) and the State Prosecutorial Council (Competent only for prosecutors).

Q266 (General Comment): Article 22 of Law on State Prosecutorial Council:

Elected members of the State Council from among public prosecutors and deputy public prosecutors are elected 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.

Q268 (General Comment): The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Per prosecutor's--Election members consist of six public prosecutors or deputy public prosecutors with a full-time position, at 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.

Q268 (2021): The Law on High Judicial Council and the Law on State Prosecutorial Council prescribe that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Q268 (2019): The Law on High Judicial Council ("Official Gazette of the RS", No. 116/2008, 101/2010, 88/2011 and 106/2015)prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

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 (2022): The elective members may be re-elected, but not consecutively.

Q270 (2021): The elective members may be re-elected, but not consecutively.

Q270 (2019): The elective members may be re-elected, but not consecutively.

Q273 (2022): Annual Report of HJC, in Serbian:

<https://vss.sud.rs/sites/default/files/attachments/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%92%D0%A1%D0%A1%20%D0%B7%D0%B0%202022.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>

Q273 (2019): https://vss.sud.rs/sites/default/files/files/%C4%8DI_%2090%20st_%201%20alineja%2018%20ZS_predmet%20VSS%202018_2.pdf

https://www.paragraf.rs/propisi/poslovnik_o_radu_drzavnog_veca_tuzilaca-2017.html

Q274 (General Comment): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 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

Q274 (2021): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 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 undue influence within eight days, on its own initiative or at the proposal of the applicant to conduct a confidential interview with the applicant, as well as to request information and evidence from the court, other state bodies, public institutions, legal and natural persons.

Article 2 of Law on State Prosecutorial Council:

Q274 (2019): With regard to judges:

The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No 98/06) in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsive only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

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. With regard to prosecutors: The State Prosecutorial Council is defined by the Republic of Serbia Constitution and by the Law on the State Prosecutorial Council as an “autonomous authority that provides and guarantees autonomy of public prosecutors and deputy public prosecutors. The State Prosecutorial Council Regulation on Work establishes the institute of the Commissioner for Autonomy, stipulating that the position is performed by the State Prosecutorial Council Deputy of the President. With reference to that, the State Prosecutorial Council made the Decision on regulation of method of proceeding of the Commissioner for Autonomy in cases of political and other forbidden influence to work of the public prosecution office.

Kosovo*

Q265 (2019): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo

Q266 (General Comment): The council consists of 13 members, 7 members will be judges elected by members of the judiciary, 2 judges of the Supreme Court, 2 judges of the Court of Appeal and 3 new judges of the Basic Court, and two (2) members elect the deputies of the Assembly from representatives of other communities, one of these two must be a judge, and two (2) members elect MPs from representatives of the Serbian community, at least one must be a judge.

Q266 (2022): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 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

Q266 (2021): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 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

Q266 (2019): Based on article 108 of the Constitution of Kosovo, The Kosovo Judicial Council shall be composed of thirteen (13) members:

(1) five (5) members shall be judges elected by the members of the judiciary;

(2) four (4) members shall be elected by deputies of the Assembly holding seats attributed during the general distribution of seats; at least two (2) of the four (4) must be judges and one (1) must be a member of the Kosovo Chamber of Advocates;

(3) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for the Kosovo Serb community and at least one of the two must be a judge;

(4) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for other Communities and at least one of the two must be a judge. According to the Law on Kosovo Judicial Council, Council Members can be from legal field but also outside the legal field. The Law does not specify any specific legal profession. Based on the article 8 of this Law, except for 7 members who are elected by members of the judiciary, six other members are elected as follows: two members are elected by the Assembly Members, who shall hold their seats during the general allocation of seats, and at least one of them must be a judge;

two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of the Serb community in Kosovo, and at least one of them must be a judge; two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of other communities, and at least one of them must be a judge. Also, the paragraph five of the same article specifies: "All Council members should be able to contribute to the management and functioning of the courts in Kosovo. Respectable professionals can be appointed outside the legal field and may include persons with expertise in management, finance, information technology or

Q268 (General Comment): According to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo

Article 9 of the Law on the Kosovo Prosecutorial Council:

Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the 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.

Q268 (2021): Article 9 of the Law on the Kosovo Prosecutorial Council:

Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the 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.

Q268 (2019): Article 9 of the Law on Kosovo Prosecutorial Council “Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

3.1. one (1) member from the Kosovo Bar Association;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3. one (1) representative from civil society. The civil society representative is selected through a public vacancy announcement by the Assembly, who must have a high professional background, evidenced knowledge in the area of law, knowledge in the field of human rights, work experience in legal issues of five (5) years and the support of at

Q270 (2022): Council members may not be re-elected for a second term.

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.

Q270 (2021): Council members may not be re-elected for a second term.

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.

Q270 (2019): Members of the both Councils cannot be re-selected.

The position is full time only for the following: The Chair, Vice-Chair, Chairman of the Normative Committee, Chairman of the Performance Evaluation Committee and Chairman for Administration of Prosecution Offices, who suspend the duty of a prosecutor. The other prosecutor members continue their work as prosecutors as well and are evaluated as foreseen by the regulation on the evaluation of the performance of prosecutors.

Q273 (2022): www.gjyqesori-rks.org In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law

Q274 (General Comment): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

The Council:

- 1.1. is a fully independent institution in the exercise of its functions in order to provide an independent, professional and impartial prosecutorial system as defined by the Constitution and by law;
- 1.2. ensures that the Prosecution Offices reflect the multi-ethnic nature of the Republic of Kosovo and takes the necessary measures in increasing the number of prosecutors from non-majority communities in Kosovo, in accordance with internationally accepted gender equality principles;
- 1.3. ensures that all the persons have equal access to justice;
- 1.4. ensures that the Prosecution Offices respect the principles of non-discrimination and proportionality, as well as human rights and gender equality, guaranteed by the Constitution and international agreements and instruments applied in the Republic of Kosovo;
- 1.5. in exercising duties and competencies, the Council acts in a manner that respects and preserves the independence of prosecutors while they perform their prosecution functions. The Council shall not order or influence, attempt to influence or otherwise undertake any action or make any statement which could reasonably be considered as an

Q274 (2021): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

Q274 (2019): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the articles 5 and 6 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS.

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 bodies/institutions?

Question 267. What is the procedure to appoint the different members of the Council(s):

Question 268. Are there selection criteria for non-judge/non-prosecutor members in the council(s)?

Question 269. What is the term of office of the members of the Council(s) in years?

Question 270. Conditions for the term of office of members of the Council(s)?

Question 271. Please describe the different competences of the Council(s)

Question 272. Please describe what are the operational arrangements in place to avoid an over-concentration of powers in the same hands concerning the different functions to be performed by members of the Judicial Council/Prosecutorial Council?

Question 273. What accountability measures are in place regarding the activities of the Council(s)?

Question 265

Albania

(General Comment): There are two Councils, one for the judiciary and one for the prosecution service, each composed of 11 members (6 judges or prosecutors and 5 lay members; lay members are 2 from academia, 2 lawyers and 1 from civil society organizations)

(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 prosecutors of all levels of the prosecution system and five members are selected by the Assembly among jurists who are not prosecutors.

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

Montenegro

(2022): There are two separate bodies. Judicial Council and Prosecutorial Council

North Macedonia

(General Comment): The Judicial Council consists of 15 members, out of whom: -~~the~~ the president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice as ex officio members; - eight members of the Council elected by the judges from among their ranks, three of the elected members are members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; -~~the~~ the Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and -~~two~~ two members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia.

(2022): See the general comment.

Serbia

(General Comment): Two councils exist: the High Court Council (Competent only for judges) and the State Prosecutorial Council (Competent only for prosecutors).

(2019): Two councils exist: the High Court Council (Competent only for judges) and the State Prosecutorial Council (Competent only for prosecutors).

Kosovo*

(2019): In Kosovo Judicial system there are two separate councils: one competent for judges (Kosovo Judicial Council) and one competent for prosecutors (Kosovo Prosecutorial

Question 266

Albania

(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 lay members 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 candidates even those who have been excluded from the list by the Secretary General of the Assembly for failure to comply with formal requirements. The subcommittee shall select the candidates with the support of at least 4 members. In case the required majority cannot be reached, the candidates shall be selected by lot.
8. The names of the candidates selected by the subcommittee are consolidated into one list and sent to the Speaker of the Assembly. Within ten days, the Assembly shall approve the list of candidates by two-thirds of all the members. In case the list is rejected, the procedure shall be repeated in the subcommittee under paragraph 7 of this Article, but not more than two times. In case the Assembly shall, after conducting the procedure for the third time, not approve the presented list, the candidates of this list shall be deemed

(2020): The High Judicial Council shall be composed of 11 members, six of which are elected by the judges of all levels of the judicial power and five members are elected by the Assembly among the ranks of lawyers who are not judges. The judge members shall be selected from the ranks of judges of high moral and professional integrity in accordance with an open and transparent procedure that ensures a fair representation of all levels of the judiciary. The lay members shall be selected among the ranks of prominent jurists, with not less than 15 years of professional experience, of high moral and professional integrity. They should not have held political posts in the public administration or leadership positions in a political party in the last past 10 years before running as candidates. Further criteria and the procedure for selecting the candidates shall be regulated by law. 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

(2019): 5 members that are elected by the Assembly, for each council, they are elected through a procedure, that the proposal comes from academics (2 members), bar association (2 members) and civil society organisations (1 member)

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. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected.

Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the 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 prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska;
14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category.

(2019): There is a single regulatory body in BiH, the High Judicial and Prosecutorial Council of BiH (HJPC), which is responsible for judges, as well as prosecutors in BiH. The HJPC was established by the Law on the HJPC as an independent and autonomous body, with the task of ensuring the maintenance of an independent, impartial and professional judiciary.

The independence of the HJPC is ensured through the autonomous status of this body, which is not in a hierarchical relationship with the legislative or executive authority, nor is a part of the state administration system.

The independence of the institution is reflected in the structure of the HJPC members, as well as in a system in which they are elected. Out of the 15 HJPC members, 11 members are judges and prosecutors elected by their colleagues. The other 4 members of the HJPC are elected by the legislative and executive authority of BiH and the two Entity Bar Chambers.

The HJPC consists of 15 members as follows:

1. one (1) member who is a judge from the Court of BiH, elected by the judges of that Court;
2. one (1) member who is a judge from the Supreme Court of the Federation of BiH, elected by the judges of that Court;
3. one (1) member who is a judge from the Supreme Court of the Republika Srpska, elected by the judges of that Court;
4. one (1) member who is a judge from either a Cantonal or Municipal level court from the Federation of BiH, elected by the Cantonal and Municipal court judges;
5. one (1) member who is a judge from a District or Basic level court of the Republika Srpska, elected by the district and basic courts judges (including judges of the Higher Commercial and District Commercial Courts in RS);
6. one (1) member who is a prosecutor from the Prosecutor's Office of BiH, elected by the prosecutors of that Office;
7. one (1) member who is a prosecutor from the Prosecutor's Office of the Federation of BiH, elected by the prosecutors of that Office;
8. one (1) member who is a prosecutor from the Prosecutor's Office of the Republika Srpska, elected by the 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 prosecutors;
11. one (1) member who is a judge or prosecutor elected by the Brcko District of BiH Judicial Commission;
12. one (1) member who is an attorney, elected by the Bar Association of the Federation of BiH;
13. one (1) member who is an attorney, elected by the Bar Association of the Republika Srpska;
14. one (1) member who is not a member of the judiciary or a member of the Parliamentary Assembly of BiH, elected by the House of Representatives of the Parliamentary Assembly of BiH; and
15. one (1) member who is not a member of the judiciary and who is not a member of the Council of Ministers of BiH, elected by the Council of Ministers of BiH upon the proposal of the Minister of Justice of BiH. There are 3 courts of general jurisdiction in Bosnia and Herzegovina that are included in the Supreme Court category. Firstly, at entity level, there are the Federation of Bosnia and Herzegovina Supreme Court and the Republika Srpska Supreme Court.

Montenegro

(General Comment): CONSTITUTION OF MONTENEGRO (“Official Gazette of Montenegro”, No. 1/2007, 38/2013)

„Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

The Law on Judicial Council and Judges specifies that the members of the Judicial Council from among the judges shall be: 1) three members from among the judges of the Supreme Court of Montenegro (hereinafter referred to as "the Supreme Court"), the Appellate Court of Montenegro (hereinafter referred to as "the Appellate Court"), the Administrative Court of Montenegro (hereinafter referred to as "the Administrative Court"), High Misdemeanour Court of Montenegro (hereinafter referred to as "the High Misdemeanour Court"), Commercial Court of Montenegro (hereinafter referred to as "the Commercial Court") and High Courts, having at least ten years of work experience as judges; 2) One member from among the judges of the Basic Courts and Misdemeanour Courts, having at least five years of work experience as judges (article 12). Moreover, the same legal provision provides for that a judge who received a grade of not satisfactory or who was pronounced a disciplinary sanction may not be appointed as a member of the Judicial Council from among the judges.

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

(2022): The Parliament elects 4 members of the Judicial Council from the category "eminent lawyers" or "reputable lawyers". The same is for Prosecutorial Council.

(2019): CONSTITUTION OF MONTENEGRO

(“Official Gazette of Montenegro”, No. 1/2007, 38/2013)

„Composition of the Judicial Council

Article 127

The Judicial Council shall have a president and nine members. The members of the Judicial Council shall be:

- 1) president of the Supreme Court;
- 2) four judges to be elected and released from duty by the Conference of Judges, taking into account equal representation of courts and judges;
- 3) four reputable lawyers that are elected and released from duty by the Parliament at proposal of the competent working body of the Parliament upon announced public invitation;
- 4) Minister in charge of judicial affairs.“

LAW ON STATE PROSECUTION SERVICE

(“Official Gazette of Montenegro”, No. 11/2015, 42/2015, 80/2017 and 10/2018)

„Composition of the Prosecutorial Council

Article 18

Prosecutorial Council shall have a president and ten members.

The Supreme State Prosecutor shall be the President of the Prosecutorial Council.

The following shall be the members of the Prosecutorial Council:

- 1) five state prosecutors who hold permanent office and have at least five years of experience in discharging the prosecutorial duties; four of whom from the Supreme State Prosecution Office, Special State Prosecution Office and high state prosecution offices, and one from basic state prosecution offices elected and dismissed by the Prosecutorial Conference;
- 2) four eminent lawyers elected and dismissed by the Parliament of Montenegro (hereinafter referred to as "the Parliament") upon proposal of the relevant working body;

North Macedonia

(General Comment): LAW ON THE COUNCIL OF PUBLIC PROSECUTORS Commission for preparation of lists of 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 Prosecution Office of the Republic of North Macedonia, polling place number 5 and - as a single special list of

(2022): 1. Other>

1.1. Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the 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.

1.2. Four members of the Council of Public Prosecutors are elected by the Parliament, from among the university law professors, attorneys at law, international judges and other prominent lawyers, former Constitutional Court judges.

2. The system for election of the judge as a member of Judicial Council: 8 members of the Judicial Council shall be elected by the judges from among their ranks. The judge could be either from basic (primary) court or from appellate court, but she/he must fulfill the conditions and qualifications prescribed by the Law. It depends in concrete case: essential is that the judge must be from the court in the concerned appellate region, but he could be either as a judge at first instance court or as a judge at second instance court.

Law on Judicial Council

Election from appellate regions

Article 17

In the election of the members of the Council from among the judges, the following representation of the members from all the regional appellate courts shall be taken into consideration, as follows:

- one member is elected from the appellate region Skopje,
- one member is elected from the appellate region Bitola,
- one member is elected from the appellate region Gostivar,
- one member is elected from the appellate region Štip,
- one member is elected from the Supreme Court of the Republic of Macedonia,
- two members are elected from among the judges that belong to all the communities that are more than 20% of the population in the Republic of Macedonia by all the judges that are registered in the Judicial Electoral Directory and
- one member is elected from among the judges that belong to all the communities that are less than 20% of the population in the Republic of Macedonia by all the judges that are

(2021): - Five members of the Judicial Council are elected by the Parliament, 3 on the proposal by the 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 could be either from

(2019): The Judicial Council shall consist of 15 members, out of whom: ~~the~~ president of the Supreme Court of the Republic of North Macedonia and the Minister of Justice shall be ex officio members; ~~eight~~ members of the Council shall be elected by the judges from among their ranks, three of the elected members shall be members of the communities that are not in majority in the Republic of North Macedonia, where the principle of equitable representation of citizens belonging to all the communities shall be observed; ~~the~~ Assembly of the Republic of North Macedonia shall elect three members of the Council with a majority of votes from the total number of representatives, wherefore there has to be majority of votes of the representatives belonging to the communities that are not in majority in the Republic of North Macedonia, and ~~two~~ members of the Council shall be proposed by the president of the Republic of North Macedonia and elected by the Assembly of the Republic of North Macedonia, one of whom shall be a member of the communities that are not in majority in the Republic of North Macedonia. The Council of Public Prosecutors is composed by 11 members:

- ~~The~~ Chief Public Prosecutor of the Republic of Macedonia as ex officio member;
- ~~One~~ member of the Council shall be elected by the public prosecutors in the public prosecution offices from within their ranks;
- ~~Public~~ prosecutors from the districts of the Higher Public Prosecution Offices in Bitola, Gostivar, Skopje and Shtip shall elect one Council member each, from within their ranks;
- ~~One~~ member of the Council, a member of a community that does not constitute a majority in the Republic of Macedonia, shall be elected by all public prosecutors in the Republic of Macedonia, from within their ranks; and

Serbia

(General Comment): Article 22 of Law on State Prosecutorial Council:

Elected members of the State Council from among public prosecutors and deputy public prosecutors are elected 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*

(General Comment): The council consists of 13 members, 7 members will be judges elected by members of the judiciary, 2 judges of the Supreme Court, 2 judges of the Court of Appeal and 3 new judges of the Basic Court, and two (2) members elect the deputies of the Assembly from representatives of other communities, one of these two must be a judge, and two (2) members elect MPs from representatives of the Serbian community, at least one must be a judge.

(2022): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 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

(2021): According to the law on the Kosovo Prosecutorial Council, the composition of the Council is 13 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

(2019): Based on article 108 of the Constitution of Kosovo, The Kosovo Judicial Council shall be composed of thirteen (13) members:

(1) five (5) members shall be judges elected by the members of the judiciary;

(2) four (4) members shall be elected by deputies of the Assembly holding seats attributed during the general distribution of seats; at least two (2) of the four (4) must be judges and one (1) must be a member of the Kosovo Chamber of Advocates;

(3) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for the Kosovo Serb community and at least one of the two must be a judge;

(4) two (2) members shall be elected by the deputies of the Assembly holding reserved or guaranteed seats for other Communities and at least one of the two must be a judge. According to the Law on Kosovo Judicial Council, Council Members can be from legal field but also outside the legal field. The Law does not specify any specific legal profession. Based on the article 8 of this Law, except for 7 members who are elected by members of the judiciary, six other members are elected as follows: two members are elected by the Assembly Members, who shall hold their seats during the general allocation of seats, and at least one of them must be a judge;

two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of the Serb community in Kosovo, and at least one of them must be a judge; two members are elected by the Assembly Members, who shall hold their seats reserved or guaranteed for representatives of other communities, and at least one of them must be a judge. Also, the paragraph five of the same article specifies: "All Council members should be able to contribute to the management and functioning of

Question 267

Albania

(General Comment): Based on the Law “On the governance institutions of the justice system”, as amended, the High Judicial Council is a collegial body, consisting of eleven members, who serve full-time. Six of the Council members are judges from all levels of the judiciary. The General Meeting of Judges of all levels elects 6 members of the High Judicial Council, according to the following report: a) three of the elected are first instance courts. At least 1 of them is a judge in a court of first instance outside Tirana; b) two of the elected are judges of the courts of appeal. At least 1 of them is a judge in an appellate court outside Tirana; c) one of the elected members is a judge at the High Court. The chair of the High Court announces the call for the expression of interest by judges interested in the position of a member of the High Judicial Council. Within 15 days of the announcement of the call for the expression of interest, the concerned prosecutors shall express their interest in a written request to the chair. Within the deadline for submission of expressions of interest, the chair of the High Court shall verify the fulfilment of the conditions by the candidates, according to the provisions of this law. Appeals against decisions to exclude candidates only for serious procedural violations are made to the Administrative Court of Appeal no later than 5 days from the date of notification of the decision. Not later than two months before the expiry of the term of office of the Members of the High Judicial Council in office, the chair of the high court convenes the General Meeting of Judges of all levels to elect the members of the Council. The voting for the election of members of the High Judicial Council from the General Meeting of Judges is secret and individual. At the conclusion of the voting process, under the responsibility of the chair of the High Court, members of the voting committee open the ballot boxes in the presence of all judges attending the meeting, count the votes and announce the preliminary election result. Complaints for violation of procedure related to convening the General Meeting of Judges,

Montenegro

(General Comment): 267/3 Unofficial translation.

Question 268

Albania

(General Comment): The other five members of the Council (in total are 11 members) are non-judge/non-prosecutor, 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 society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council. The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates. These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;
- c) at the time of candidacy, to be full-time lecturers not less than 5 years in the law faculty of a higher education institution or internal

(2021): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
- h) have not previously been convicted by a final court decision of committing a criminal offense;
- f) have not held political office in public administration or leadership positions in political parties for the past 10 years;
- g) have not been members, associates or favoured of the former State Security before July 2, 1991 within the meaning of the Law "On the right to information on former state security documents of the Socialist People's Republic of Albania";
- k) not to be collaborators, informants or agents of any intelligence service;
- h) at the time of candidacy, have no family member, within the meaning of the law "On the declaration and control of the assets, financial liabilities of the elected and some public servants", as well as first degree relatives who are acting member of the Council or candidate for member.
- i) have not been removed from their previous duties as a judge, prosecutor or officer of the Judicial Police by disciplinary action;
- j) not to be candidates proposed by the faculty of law faculties and the School of Magistrates, as well as by civil society.

Lawyers who hold leading positions in advocacy chambers or in the governing bodies of interest groups, such as associations and trade unions of lawyers, resign from these leadership positions if they are elected to members of the High Prosecutorial Council.

The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;

(2019): The other five members of the Council (in total are 11 members) are non-lawyer lawyers, selected from the ranks of lawyers, law professors and civil society. Non-judicial members who are elected from the ranks of lawyers, faculty of law faculties and the School of Magistrates, as well as civil society are elected by the Assembly, based on a preliminary assessment process of legal conditions and criteria.

The 2 lawyers applying for the position of a member of the High Prosecutorial Council must meet the following requirements:

- a) to be Albanian nationals;
- b) have completed the second cycle of undergraduate law studies with a "Master of Science" degree, or associate's degree, or undergraduate law degree abroad and obtained a unified degree, in accordance with the rules for diploma integration, provided by law;
- c) be lawyers licensed under the law;
- ç) have regularly settled all tax and financial obligations to the Chamber of Advocates;
- d) have not less than 15 years of experience in the legal profession, of which at least 10 years have practiced the law profession without interruption;
- dh) have been licensed to practice their profession before the High Court or the Constitutional Court, in accordance with the provisions of the Law "On the profession of lawyer";
- e) have no disciplinary measure in force;
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- 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 society.

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The Assembly elects 2 members of the High Prosecutorial Council from the faculty of law faculties and the School of Magistrates.

These candidates must meet the following requirements:

- a) to be Albanian nationals;
- b) have not less than 15 years of professional experience as a lawyer;

Bosnia and Herzegovina

(General Comment): The House of Representatives of the Parliamentary Assembly of BiH, the Council of Ministers of BiH and the Entity Bar Chambers carry out the procedure of selection of their representatives in the HJPC in accordance with their own rules, by respecting the basic rules defined by the HJPC Rulebook on Selection of the HJPC Members. The Rulebook on the selection of HJPC members specifies the rules on ethnicity and gender structure, and defines the basics of the procedure for selection of HJPC members.

(2022): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of 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

(2021): In accordance to the Law on the HJPC: One member of the HJPC who is elected by the House of 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.

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Montenegro

(General Comment): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

“Election of the Prosecutorial Council Members from Among Eminent Lawyers Article 26 A person with at least ten years of experience in law who has earned personal and

(2019): JUDICIAL COUNCIL

A person, who has at least fifteen years of work experience on legal affairs and enjoys personal and professional reputation and was not convicted of criminal offences that render judges unworthy for the exercise of judicial office in accordance with the present Law, may be appointed as a member of the Judicial Council from among eminent lawyers.

The competent working body of the Parliament of Montenegro shall issue a public call for the appointment of a member of the Judicial Council from among eminent lawyers in the Official Gazette of Montenegro and in at least one of the print media based in Montenegro. The public call for the appointment of a member of the Judicial Council from among eminent lawyers shall be published by the competent working body of the Parliament of Montenegro on the website of the Parliament of Montenegro (hereinafter: the Parliament).

The deadline for applications by candidates shall be 15 days from the announcement of the public call.

On the website of the Parliament, the competent working body of the Parliament shall publish a list of applicants, which shall be available to the public at least ten days from the date of publication.

The competent working body of the Parliament shall submit the proposal for the appointment of a member of the Judicial Council from among eminent lawyers to the Parliament.

PROSECUTORIAL COUNCIL - Article 26, paragraph 1 of the Law on State Prosecutor's Office

North Macedonia

(General Comment): 1. Criteria for non-judge members in the Judicial Council (article 11 - Law on the Judicial Council)

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia 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,

- ~~to~~ not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

- ~~to~~ 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 action and - to not have been convicted by an effective court verdict of a criminal offense of abuse of official position and authorization in the performance of their function or other criminal offense of unconditional imprisonment of at least six months, thus rendering them unworthy to perform the function of a member of the Council.

(2) The members of the Council elected by the Parliament shall be university professors of law, attorneys, former judges of the Constitutional Court, international judges and other

(2019): Law on Judicial Council

Any person who meets the following requirements in the moment of publication of the announcement may apply to the announcement for selection of a member of the Council on a proposal of the Assembly of the Republic of North Macedonia: - to be a citizen of the Republic of North Macedonia, - to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

- not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member and

- to have a reputation and integrity in the exercise of the office of a member of the Council, On a proposal of the President of the Republic of North Macedonia, the Assembly of the Republic of North Macedonia may select a person who meets the following requirements in the moment of selection for a member of the Council: - to be a citizen of the Republic of North Macedonia, - to be a law graduate with at least 15 years of work experience in the legal profession and a passed bar examination and who, in the practice of the legal professional, distinguishes himself by scientific or professional work or by public activities,

- not to be convicted with an effective court decision for the criminal offense misuse of official duty and authorizations or other criminal offence with unconditional imprisonment of at least six months that makes him unworthy to perform his function as a Council member, and

- to have a reputation and integrity in the exercise of the office of a member of the Council, In the cases referred upstairs, a person who at the moment of the announcement performs a judicial or public prosecutor's office or a person who has been dismissed from a judicial or public prosecutor's office shall not be elected as a member of the Council, except for cases when the European Court of Human Rights has established violation of the Convention in the dismissal procedure, or a person who in the last four years was an MP, a member of the Government, or held office in a political party.

Serbia

(General Comment): The Law on High Judicial Council prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Per prosecutor's--Election members consist of six public prosecutors or deputy public prosecutors with a full-time position, at least one from the territory of the Autonomous Provinces and two distinguished and prominent lawyers with at least 15 years of professional experience, one of whom is a lawyer and the other is a law professor.

(2021): The Law on High Judicial Council and the Law on State Prosecutorial Council prescribe that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

(2019): The Law on High Judicial Council ("Official Gazette of the RS", No. 116/2008, 101/2010, 88/2011 and 106/2015) prescribed that the elected members of the council from the ranks of attorneys and Faculty of Law professors have to be a two credible and prominent jurists with minimum 15 years of professional experience.

There is no age limitations or gender quota.

Kosovo*

(General Comment): According to Article 10 points 3, 4, 5, 6, 7, 8, 9 and 10 of Law no. 06/L-055 on the Judicial Council of Kosovo

Article 9 of the Law on the Kosovo Prosecutorial Council:

Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the 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.

(2021): Article 9 of the Law on the Kosovo Prosecutorial Council:

Three (3) non-prosecutor members of the Council, elected by the Assembly, in accordance with Article 65 (10) of the 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.

(2019): Article 9 of the Law on Kosovo Prosecutorial Council "Three (3) non-prosecutor Council members, elected by the Assembly, pursuant to Article 65 (10) of the Constitution, shall be elected by secret voting, by a majority votes of the members of the Assembly who are present and vote, based on a list of two (2) candidates for each position proposed by the relevant bodies, which shall include:

3.1. one (1) member from the Kosovo Bar Association;

3.2. one (1) professor from the law faculties of the Republic of Kosovo;

3.3. one (1) representative from civil society. The civil society representative is selected through a public vacancy announcement by the Assembly, who must have a high professional background, evidenced knowledge in the area of law, knowledge in the field of human rights, work experience in legal issues of five (5) years and the support of at

Question 269

Albania

(General Comment): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

(2019): Only for the first term of the HJC, 5 members will serve a 3-years mandate and 6 members will serve a 5 – years mandate. This, according to Law 115/2016, serves the purpose of diversifying the membership and ensuring continuity for the coming mandates.

North Macedonia

(2022): The terms of office of the ex officio members of the Councils cease upon termination of her/his office.

(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

(General Comment): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”.

(2019): As per article 3.4, Law 115/2016 “The member of the High Judicial Council, unless circumstances for early termination of the mandate have been established, shall hold office for 5 years, with no right to consecutive re-election”

Bosnia and Herzegovina

(General Comment): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or until the expiration or termination of his/her

(2019): In accordance to the Law on the HJPC (Article 5), the HJPC members have a mandate of four (4) years and may have a maximum of two (2) consecutive mandate of four years. A person who has held two (2) consecutive mandates as a member of the HJPC may not be appointed again as a member of the HJPC until the expiration of four (4) years since the end of his/her previous mandate as a member of the HJPC. There is no specific procedure for renewing the mandate of a HJPC member. The HJPC member who wishes to be reappointed applies for the member position and goes through the selection process as other candidates. The HJPC has a President and two (2) Vice-Presidents. The President and two Vice-Presidents of the HJPC are elected by simple majority vote of the members present and voting. The mandate of the President of the HJPC shall be four (4) years or

Montenegro

(General Comment): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

(2019): A member of the Judicial Council from among the judges or eminent lawyers may be re-appointed as a member of the Judicial Council after the expiry of four years from the termination of the previous mandate in the Judicial Council.

Serbia

(General Comment): Elected members of the Council may be re-elected, but not consecutively.

(2022): The elective members may be re-elected, but not consecutively.

(2021): The elective members may be re-elected, but not consecutively.

(2019): The elective members may be re-elected, but not consecutively.

Kosovo*

(2022): Council members may not be re-elected for a second term.

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

(2021): Council members may not be re-elected for a second term.

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

(2019): Members of the both Councils cannot be re-selected.

The position is full time only for the following: The Chair, Vice-Chair, Chairman of the Normative Committee, Chairman of the Performance Evaluation Committee and Chairman for Administration of Prosecution Offices, who suspend the duty of a prosecutor. The other prosecutor members continue their work as prosecutors as well and are evaluated as foreseen by the regulation on the evaluation of the performance of prosecutors.

Question 272

Bosnia and Herzegovina

(General Comment): In accordance with the HJPC Law (Article 14), the Council acts and decides as a single 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. The Council member whose exemption is being discussed may participate in that discussion, or make a statement on the request related to his/her exemption, but may not vote on his/her own exemption. An exempted member of the Council may not participate in a proceeding or discussion related to the issue for which he/she was exempted.

The Rulebook on Conflict of Interest of the HJPC members prescribes cases in which a conflict of interest is presumed. A member of the Council is obliged to resign from membership in the Council if he/she or his child, parent, adoptee, adoptive parent, and spouse or partner apply for a vacant position in the judiciary. In other cases of presumed conflict of interest, a member of the Council is obliged to request his/her exemption from the panel for interviewing, from the procedure of nomination and appointment of candidates, as well as disciplinary procedure, fully and immediately upon learning of the existence of such circumstances. The existence of a conflict of interest in other situations not covered by the presumed conflict of interest is decided by the Council in each specific case.

Compliance with the Rules on Conflict of Interests is ensured by its provision regulating that acting contrary to this act shall be considered as violation of impartiality and independence in performing of the duties of a member of the Council, which may form the

Question 273

Albania

(General Comment): Meetings' minutes and recordings published in their respective websites.

(2019): Meetings' minutes and recordings published in their respective websites

Bosnia and Herzegovina

(General Comment): The transparency of a work of the Council is ensured primarily by holding public sessions. Also, the first instance disciplinary proceedings against judicial office holders are generally transparent and public.

The HJPC regularly informs the public of its decisions, attitudes and activities, by publication of information and press releases. The HJPC also actively cooperates with journalists through the preparation and distribution of answers to media questions concerning the judiciary and the work of the HJPC.

The HJPC publishes reports on its work, as well as plans for future activities (strategic plan, action plans, annual work program, etc.).

The HJPC regularly processes the requests for free access to information relating to the work of the HJPC.

The HJPC holds annual conferences for courts presidents and chief prosecutors, as well as thematic 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.

Link for publications : <https://vstv.pravosudje.ba/>

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Link for publications : <https://vstv.pravosudje.ba/>

Montenegro

(General Comment): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements

(2019): Publication of the relevant documents ensuring transparency - Announcements after the sessions of the Prosecutorial council, Agendas, Public advertisements etc.

North Macedonia

(General Comment): http://www.sud.mk/wps/portal/ssrm/sud!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8zizdxNTAwwwA183A39LQwcQ_1DzSw93lxCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBIS9nQSEh/

<http://sjorm.gov.mk/>

(2021): The new Law on Council of public prosecutors form 2020 has a rule for reasoning decisions. Article 10 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 shall be audio or audio-

(2019): http://www.sud.mk/wps/portal/ssrm/sud/!ut/p/z1/04_Sj9CPykyssy0xPLMnMz0vMAfljo8zizdxNTAwsvA183A39LQwcQ_1DzSw93IxCQ431wwkpiAJKG-AAjgZA_VGEIBTkRhikOyoqAgBZeVF9/dz/d5/L2dBIS9nQSEh/

Serbia

(2022): Annual Report of HJC, in Serbian:

<https://vss.sud.rs/sites/default/files/attachments/%D0%98%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98%20%D0%BE%20%D1%80%D0%B0%D0%B4%D1%83%20%D0%92%D0%A1%D0%A1%20%D0%B7%D0%B0%202022.%20%D0%B3%D0%BE%D0%B4%D0%B8%D0%BD%D1%83.pdf>

(2019): https://vss.sud.rs/sites/default/files/files/%C4%8Dl_%2090%20st_%201%20alineja%2018%20ZS_predmet%20VSS%202018_2.pdf
https://www.paragraf.rs/propisi/poslovnik_o_radu_drzavnog_veca_tuzilaca-2017.html

Kosovo*

(2022): www.gjyqesori-rks.org In each KPC meeting the media, civil society and international partners are invited to follow the meetings, except when foreseen by law otherwise.

Question 274

Albania

(General Comment): According to Article 185, of the Law “On the governance institutions of the justice system”, as amended, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

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

(2021): According to Article 185, of the Law “On the governance institutions of the justice system”, the High Prosecutorial Council may, on its own initiative or on the basis of prosecutors' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

(2019): According to the Law “On the governance institutions of the justice system”, as amended, the both councils may, on its own initiative or on the basis of prosecutors' or judges' requests, make public statements in defense of individual prosecutors when it deems that their human rights are at risk of being violated because of the performance of their duties or that the exercise of their legal functions is endangered or may be endangered as a result of the actions or attitudes of any public or private entity.

Bosnia and Herzegovina

(General Comment): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

The criminal laws in BiH contain chapters dedicated to the judiciary. The object of the criminal protection of this group of crimes is the functioning of the judiciary. The main objective of the prescribed criminals is to ensure and protect the independence of the judiciary and the legitimate work of the judiciary and other bodies. Most of the offenses in this group relate to endangering the criminal proceedings, endangering the smooth conduct of criminal proceedings and executing the criminal sanctions, ie protecting the special categories of subjects in criminal proceedings.

The criminal laws 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,

(2019): In accordance with Article 17, item 27 of the Law on the HJPC BiH, the Council provides its opinion on complaints submitted by a judge or prosecutor who considers that his/her rights established by this or another law, or his/her independence, are endangered. These opinions are issued in order to identify threats to the independence of judicial institutions, that is holders of judicial functions, and to publicize it, as well as to invite relevant participants to refrain from further activities that threaten the independence of the judiciary. The Law does not provide for sanctions that the Council may impose in these situations.

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Montenegro

(General Comment): Judges shall adjudicate and decide independently and autonomously. The judicial office shall not be exercised under anyone's influence.

No one shall influence judges in the exercise of judicial office. Independence, autonomy, accountability and professionalism of courts and judges shall be provided by the Judicial Council.

State Prosecutor's Office: Article 136 of the Constitution of Montenegro CONSTITUTION OF MONTENEGRO (Official Gazette of Montenegro", No. 1/2007, 38/2013)

Council of Prosecutors Article 136

The Prosecution Council shall ensure the autonomy of the state prosecution. The Supreme State Prosecutor shall chair the Prosecution Council except in a disciplinary proceeding.

The composition, election, mandate, organization and manner of work of the Prosecution Council shall be regulated by law. The Prosecution Council shall: 1) establish the proposal for the election of the Supreme State Prosecutor;

2) elect and release from the duty the heads of the state prosecution offices and state prosecutors; 3) establish the termination of the function of the heads of state prosecution offices and state prosecutors; 4) propose to the Government the amount of funds for the work of the state prosecution; 5) submit the Report on Performance of the State

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North Macedonia

(General Comment): The Judicial Council of the Republic of North Macedonia is an autonomous and 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 duration of at least five years is foreseen. The Judicial Council of the Republic of North Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge's immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.

According to the article 7 from the Law on PPO, the public prosecutor shall perform their function in a lawful, impartial and objective manner, shall respect and protect human and

(2022): Please, see the general comment.

(2019): The Judicial Council of the Republic of North Macedonia is an autonomous and 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 duration of at least five years is foreseen. The Judicial Council of the Republic of Macedonia shall decide upon revocation of the immunity of judges. The procedure for deciding about revocation of a judge's immunity shall be urgent. The judge shall be suspended from exercising the judicial office while in custody, or while the procedure for the crime for which an imprisonment sentence of at least five years is foreseen is ongoing. The judge shall be suspended from exercising the judicial office in case of initiated procedure for establishing liability, in accordance with law and when there are justified reasons for suspension from exercising judicial office. The decision to suspend the judge from exercising the judicial office shall be adopted by the Judicial Council of the Republic of North Macedonia.

Pursuant to Article 5 of the Law on Public Prosecution Office (Law on PPO), it is determined that public prosecutors perform their function legally, impartially and objectively,

Serbia

(General Comment): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 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. Per persecutors - The State Prosecutorial Council is defined by the Republic of Serbia Constitution and by the

(2021): The Constitution of the Republic of Serbia in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsible only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 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 undue influence within eight days, on its own initiative or at the proposal of the applicant to conduct a confidential interview with the applicant, as well as to request information and evidence from the court, other state bodies, public institutions, legal and natural persons.

Article 2 of Law on State Prosecutorial Council:

(2019): With regard to judges:

The Constitution of the Republic of Serbia (Official Gazette of the Republic of Serbia No 98/06) in Art 149 prescribed that in performing his/her judicial function, a judge shall be independent and responsive only to the Constitution and the law. Any influence on a judge while performing his/her judicial function shall be prohibited.

Art 153 prescribed that the High Judicial Council is an independent and autonomous body which shall provide for and guarantee independence and autonomy of courts and judges.

According to Art 3 of Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) all state bodies and officials are required to preserve, with their actions and behavior, the confidence in independence and impartiality of judges and courts.

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. With regard to prosecutors: The State Prosecutorial Council is defined by the Republic of Serbia Constitution and by the Law on the State Prosecutorial Council as an “autonomous authority that provides and guarantees autonomy of public prosecutors and deputy public prosecutors. The State Prosecutorial Council Regulation on Work establishes the institute of the Commissioner for Autonomy, stipulating that the position is performed by the State Prosecutorial Council Deputy of the President. With reference to that, the State Prosecutorial Council made the Decision on regulation of method of proceeding of the Commissioner for Autonomy in cases of political

Kosovo*

(General Comment): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

The Council:

- 1.1. is a fully independent institution in the exercise of its functions in order to provide an independent, professional and impartial prosecutorial system as defined by the Constitution and by law;
- 1.2. ensures that the Prosecution Offices reflect the multi-ethnic nature of the Republic of Kosovo and takes the necessary measures in increasing the number of prosecutors from non-majority communities in Kosovo, in accordance with internationally accepted gender equality principles;
- 1.3. ensures that all the persons have equal access to justice;
- 1.4. ensures that the Prosecution Offices respect the principles of non-discrimination and proportionality, as well as human rights and gender equality, guaranteed by the Constitution and international agreements and instruments applied in the Republic of Kosovo;
- 1.5. in exercising duties and competencies, the Council acts in a manner that respects and preserves the independence of prosecutors while they perform their prosecution functions. The Council shall not order or influence, attempt to influence or otherwise undertake any action or make any statement which could reasonably be considered as an

(2021): Article 3 of Law on Kosovo prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

(2019): Both respective councils have the competence to initiate disciplinary procedures if there is an evident breach of the Independence or the impartiality of a judge or prosecutor, based on the articles 5 and 6 of the Law on DISCIPLINARY LIABILITY OF JUDGES AND PROSECUTORS.

12. Gender Equality - Overview

Distribution of court professionals by gender

Distribution of court professionals by gender and its variation between 2018 and 2022 (Tables 12.1.1, 12.1.3 and 12.1.5)

Beneficiaries	Professional judges				Court presidents				Non-judge staff			
	Male	Female	Variation 2018 - 2022		Male	Female	Variation 2018 - 2022		Male	Female	Variation 2018 - 2022	
			Male	Female			Male	Female			Male	Female
Albania	44,7%	55,3%	-7,7	7,7	42,9%	57,1%	-25,6	25,6	30,5%	69,5%	-1,6	1,6
Bosnia and Herzegovina	35,2%	64,8%	-0,8	0,8	41,8%	58,2%	-7,6	7,6	25,3%	74,7%	0,9	-0,9
Montenegro	42,6%	57,4%	2,9	-2,9	60,0%	40,0%	-8,0	8,0	25,5%	74,5%	0,2	-0,2
North Macedonia	37,7%	62,3%	-2,9	2,9	58,8%	41,2%	-8,8	8,8	37,0%	63,0%	-1,6	1,6
Serbia	27,7%	72,3%	-1,1	1,1	43,4%	56,6%	-2,1	2,1	27,1%	72,9%	-2,2	2,2
Kosovo*	65,5%	34,5%	-	-	NA	NA	-	-	49,6%	50,4%	-	-
WB Average	37,6%	62,4%	-1,9	1,9	49,4%	50,6%	-10,4	10,4	29%	71%	-0,8	0,8

For reference only: the 2021 EU median is 62,2% for total female judges and 75,8% for total female non-judge staff.

Figure 12.1 Distribution of the total male and female judges in 2022

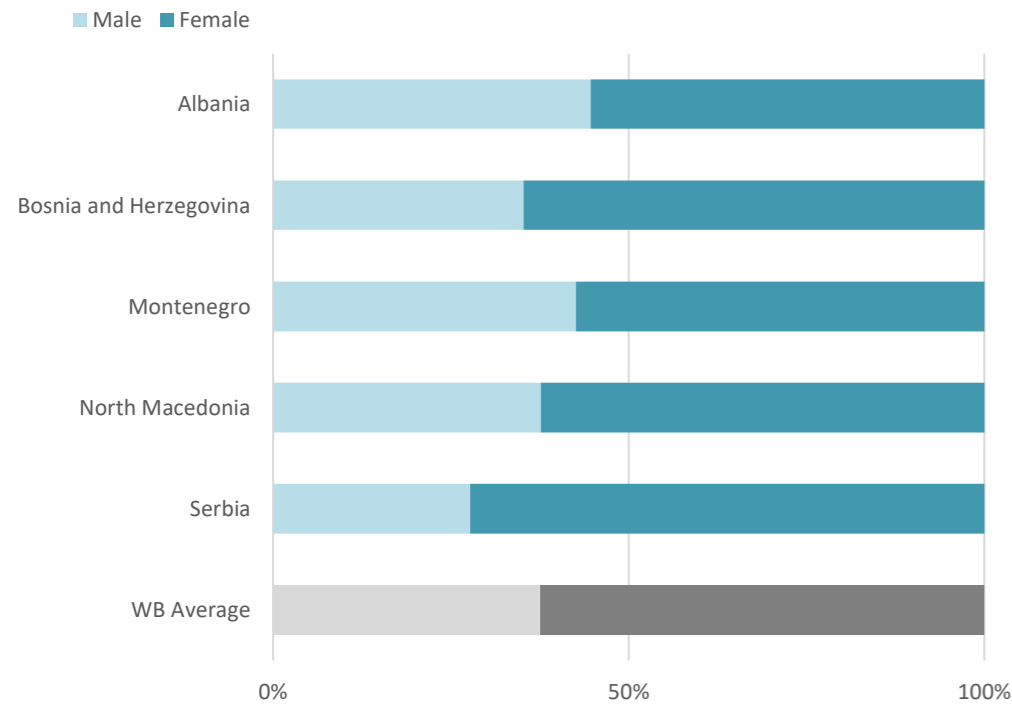


Figure 12.2 Distribution of the total male and female court presidents in 2022

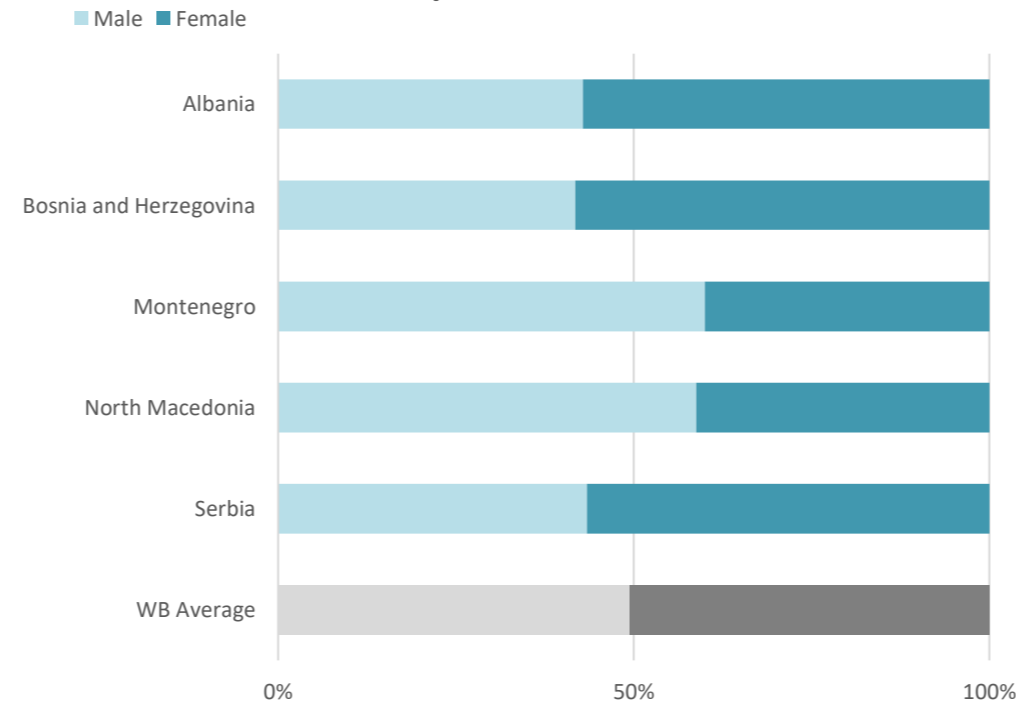
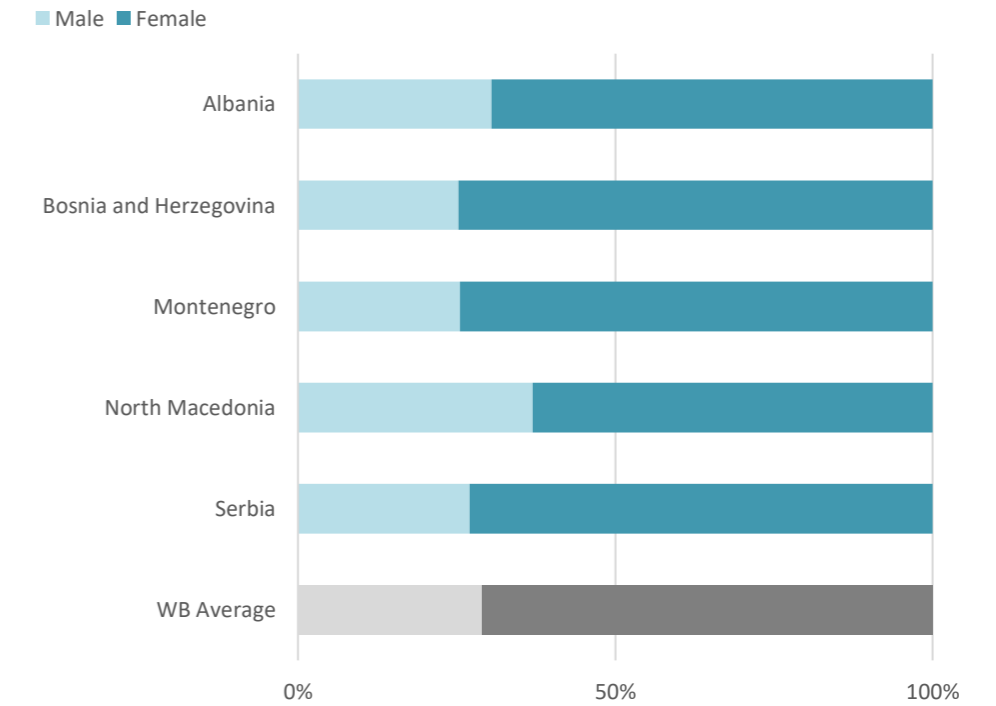


Figure 12.3 Distribution of the total male and female non-judge staff in 2022



* This designation is without prejudice to positions on 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 2022 (Tables 12.2.1, 12.2.3 and 12.2.5)

Beneficiaries	Prosecutors				Heads of prosecution services				Non-prosecutor staff			
	Male	Female	Variation 2018 - 2022		Male	Female	Variation 2018 - 2022		Male	Female	Variation 2018 - 2022	
			Male	Female			Male	Female			Male	Female
Albania	54,5%	45,5%	NA	NA	91,4%	8,6%	NA	NA	49,4%	50,6%	NA	NA
Bosnia and Herzegovina	48,9%	51,1%	0,5	-0,5	55,6%	44,4%	-7,6	7,6	28,1%	71,9%	-1,3	1,3
Montenegro	37,9%	62,1%	0,0	0,0	47,1%	52,9%	-11,8	11,8	28,5%	71,5%	3,3	-3,3
North Macedonia	44,6%	55,4%	0,3	-0,3	56,5%	43,5%	-11,3	11,3	28,3%	71,7%	-3,8	3,8
Serbia	39,7%	60,3%	-4,6	4,6	51,1%	48,9%	-7,8	7,8	22,0%	78,0%	-1,0	1,0
Kosovo*	55,3%	44,7%	-	-	100,0%	0,0%	-	-	44,9%	55,1%	-	-
WB Average	45%	55%	-1,0	1,0	60%	40%	-9,6	9,6	31%	69%	-0,7	0,7

For reference only: the 2021 EU median is 59,6% for total female prosecutors and 74,1% for total female non-prosecutor staff.

Figure 12.4 Distribution of the total male and female

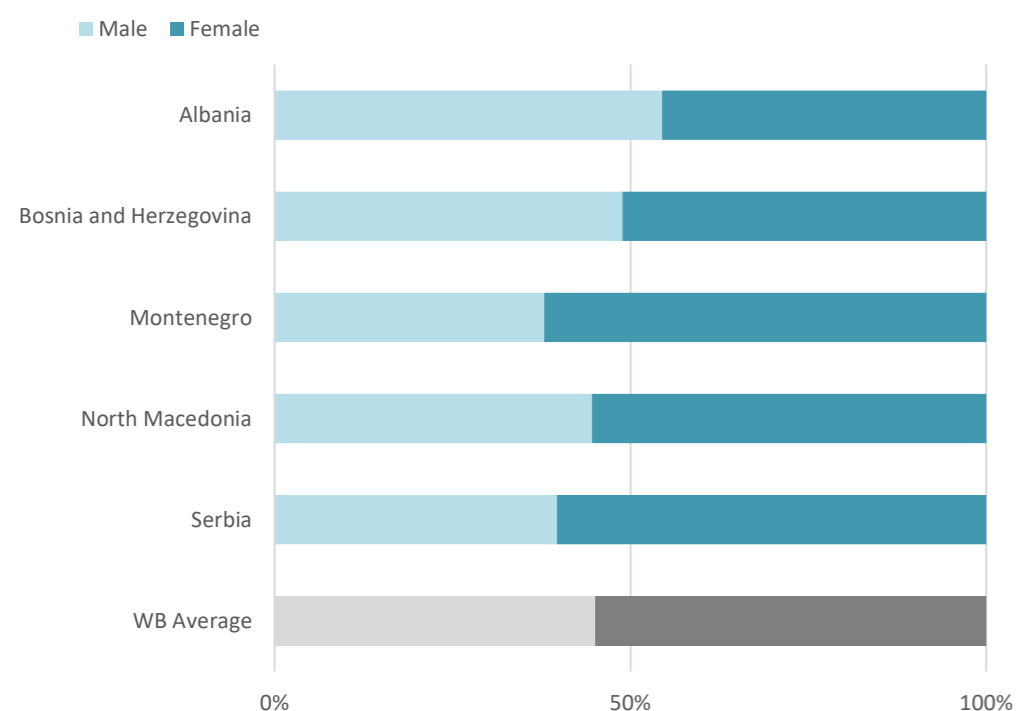


Figure 12.5 Distribution of the total male and female heads of prosecution services in 2022

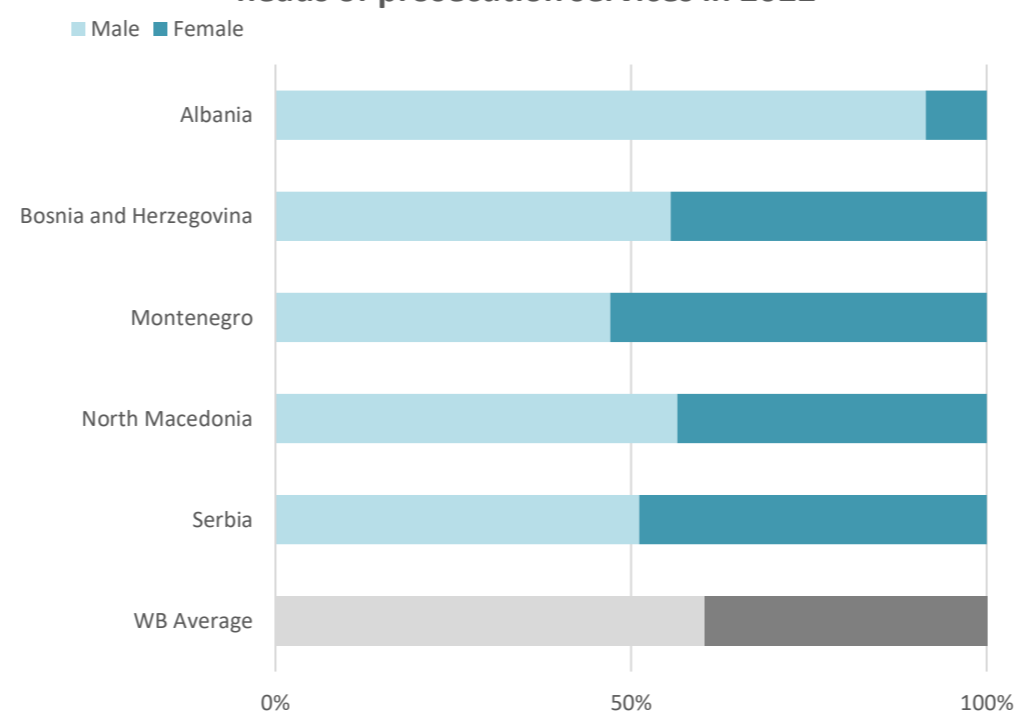
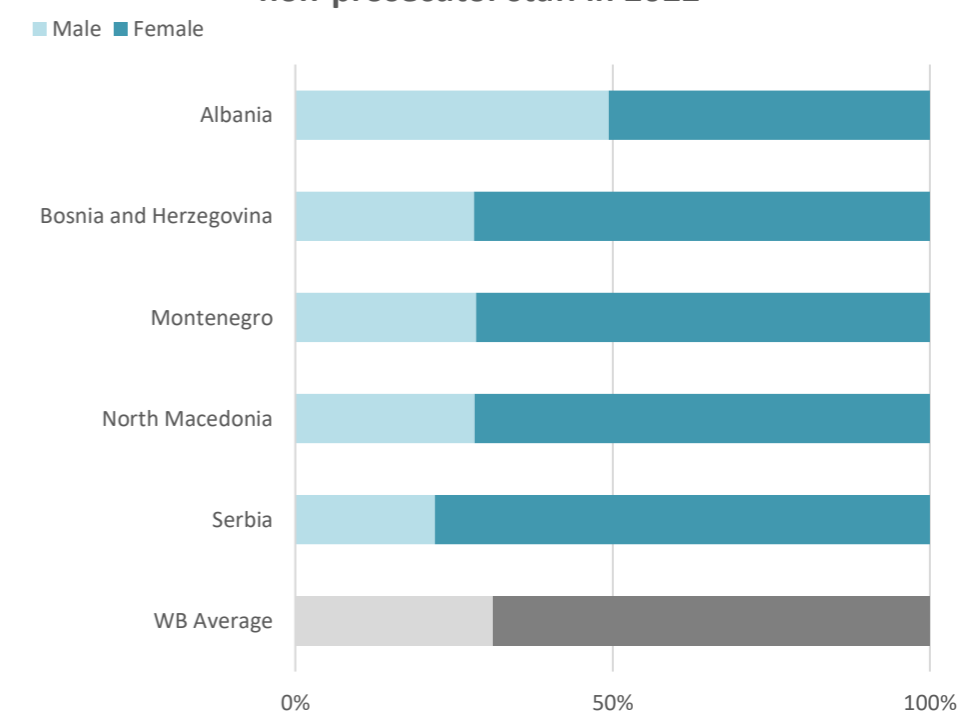


Figure 12.6 Distribution of the total male and female non-prosecutor staff in 2022



* This designation is without prejudice to positions on 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

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2022 (Q19)

Table 12.1.2 Distribution of male and female professional judges by instance in 2018 and 2022 (Q19)

Table 12.1.3 Distribution of total male and female court presidents in 2018 and 2022 (Q19-1)

Table 12.1.4 Distribution of male and female court presidents by instance in 2018 and 2022 (Q19-1)

Table 12.1.5 Distribution of male and female non-judge staff in 2018 and 2022 (Q26)

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female public prosecutors in 2018 and 2022 (Q28)

Table 12.2.2 Distribution of male and female prosecutors by instance in 2018 and 2022 (Q28)

Table 12.2.3 Distribution of male and female heads of prosecution offices in 2018 and 2022 (Q28-1)

Table 12.2.4 Distribution of male and female heads of prosecution offices by instance in 2018 and 2022 (Q28-1)

Table 12.2.5 Distribution of male and female non-prosecutor staff in 2018 and 2022 (Q32)

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers in 2018 and 2022 (Q33)

12. Gender Equality - List of tables

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2022 (Q275 and Q276)

Table 12.4.2 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 2022 (Q277)

Table 12.4.3 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 2022 (Q278 and Q279)

Table 12.4.4 Policies for males/females equality at court and prosecution services level in 2022 (Q283)

Table 12.4.5 Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons, and evaluation studies or official reports regarding the main causes of possible inequalities in 2022 (Q286 and Q287)

Table 12.4.6 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 2022 (Q285)

12.1 Judges and non-judge staff

Table 12.1.1 Distribution of total male and female professional judges in 2018 and 2022 (Q19)

Beneficiaries	Total professional judges					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	52,3%	47,7%	44,7%	55,3%	-7,7	7,7
Bosnia and Herzegovina	36,0%	64,0%	35,2%	64,8%	-0,8	0,8
Montenegro	39,7%	60,3%	42,6%	57,4%	2,9	-2,9
North Macedonia	40,5%	59,5%	37,7%	62,3%	-2,9	2,9
Serbia	28,8%	71,2%	27,7%	72,3%	-1,1	1,1
Kosovo*	-	-	65,5%	34,5%	-	-
Average	39,5%	60,5%	37,6%	62,4%	-1,9	1,9
Median	39,7%	60,3%	37,7%	62,3%	-1,1	1,1
Minimum	28,8%	47,7%	27,7%	55,3%	-7,7	-2,9
Maximum	52,3%	71,2%	44,7%	72,3%	2,9	7,7

* 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 12.1.2 Distribution of male and female professional judges by instance in 2018 and 2022 (Q19)

Beneficiaries	First instance professional judges						Second instance (court of appeal) professional judges						Supreme Court professional judges					
	2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	49,0%	51,0%	43,3%	56,7%	-5,7	5,7	58,4%	41,6%	40,6%	59,4%	-17,8	17,8	87,5%	12,5%	81,3%	18,8%	-6,3	6,3
Bosnia and Herzegovina	37,1%	62,9%	37,1%	62,9%	0,0	0,0	31,7%	68,3%	29,9%	70,1%	-1,8	1,8	38,1%	61,9%	35,1%	64,9%	-3,0	3,0
Montenegro	40,0%	60,0%	44,6%	55,4%	4,6	-4,6	42,1%	57,9%	42,9%	57,1%	0,8	-0,8	26,3%	73,7%	18,8%	81,3%	-7,6	7,6
North Macedonia	37,9%	62,1%	35,2%	64,8%	-2,7	2,7	43,6%	54,5%	42,5%	57,5%	-3,0	3,0	42,1%	57,9%	64,3%	35,7%	22,2	-22,2
Serbia	29,6%	70,4%	28,6%	71,4%	-1,0	1,0	22,2%	77,8%	21,5%	78,5%	-0,6	0,6	39,0%	61,0%	22,5%	77,5%	-16,5	16,5
Kosovo*	-	-	63,2%	36,8%	-	-	-	-	70,5%	29,5%	-	-	-	-	78,8%	21,2%	-	-
Average	38,7%	61,3%	37,8%	62,2%	-1,0	1,0	39,6%	60,0%	35,5%	64,5%	-4,5	4,5	46,6%	53,4%	44,4%	55,6%	-2,2	2,2
Median	37,9%	62,1%	37,1%	62,9%	-1,0	1,0	42,1%	57,9%	40,6%	59,4%	-1,8	1,8	39,0%	61,0%	35,1%	64,9%	-6,3	6,3
Minimum	29,6%	51,0%	28,6%	55,4%	-5,7	-4,6	22,2%	41,6%	21,5%	57,1%	-17,8	-0,8	26,3%	12,5%	18,8%	18,8%	-16,5	-22,2
Maximum	49,0%	70,4%	44,6%	71,4%	4,6	5,7	58,4%	77,8%	42,9%	78,5%	0,8	17,8	87,5%	73,7%	81,3%	81,3%	22,2	16,5

* 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 12.1.3 Distribution of total male and female court presidents in 2018 and 2022 (Q19-1)

Beneficiaries	Total court presidents					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	68,4%	31,6%	42,9%	57,1%	-25,6	25,6
Bosnia and Herzegovina	49,4%	50,6%	41,8%	58,2%	-7,6	7,6
Montenegro	68,0%	32,0%	60,0%	40,0%	-8,0	8,0
North Macedonia	67,6%	32,4%	58,8%	41,2%	-8,8	8,8
Serbia	45,5%	54,5%	43,4%	56,6%	-2,1	2,1
Kosovo*	-	-	NA	NA	-	-
Average	59,8%	40,2%	49,4%	50,6%	-10,4	10,4
Median	67,6%	32,4%	43,4%	56,6%	-8,0	8,0
Minimum	45,5%	31,6%	41,8%	40,0%	-25,6	2,1
Maximum	68,4%	54,5%	60,0%	58,2%	-2,1	25,6

* 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 12.1.4 Distribution of male and female court presidents by instance in 2018 and 2022 (Q19-1)

Beneficiaries	First instance court presidents						Second instance (court of appeal) court presidents						Supreme Court court presidents					
	2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	64,3%	35,7%	40,0%	60,0%	-24,3	24,3	77,8%	22,2%	50,0%	50,0%	-27,8	27,8	100,0%	0,0%	0,0%	0,0%	0,0	0,0
Bosnia and Herzegovina	49,1%	50,9%	41,4%	58,6%	-7,7	7,7	47,1%	52,9%	44,4%	55,6%	-2,6	2,6	66,7%	33,3%	33,3%	66,7%	-33,3	33,3
Montenegro	65,0%	35,0%	55,0%	45,0%	-10,0	10,0	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%	60,7%	39,3%	-10,7	10,7	40,0%	60,0%	60,0%	40,0%	20,0	-20,0	100,0%	0,0%	0,0%	100,0%	-100,0	100,0
Serbia	44,9%	55,1%	43,4%	56,6%	-1,5	1,5	50,0%	50,0%	50,0%	50,0%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	-100,0	100,0
Kosovo*	-	-	NA	NA	NA	NA	-	-	NA	NA	NA	NA	-	-	NA	NA	NA	NA
Average	58,9%	41,1%	48,1%	51,9%	-10,8	10,8	63,0%	37,0%	60,9%	39,1%	-2,1	2,1	73,3%	26,7%	6,7%	73,3%	-46,7	46,7
Median	64,3%	35,7%	43,4%	56,6%	-10,0	10,0	50,0%	50,0%	50,0%	50,0%	0,0	0,0	100,0%	0,0%	0,0%	100,0%	-33,3	33,3
Minimum	44,9%	28,6%	40,0%	39,3%	-24,3	1,5	40,0%	0,0%	44,4%	0,0%	-27,8	-20,0	0,0%	0,0%	0,0%	0,0%	-100,0	0,0
Maximum	71,4%	55,1%	60,7%	60,0%	-1,5	24,3	100,0%	60,0%	100,0%	55,6%	20,0	27,8	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 2022 (Q26)

Beneficiaries	Non-judge staff					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	29,8%	68,0%	30,5%	69,5%	-1,6	1,6
Bosnia and Herzegovina	24,4%	75,6%	25,3%	74,7%	0,9	-0,9
Montenegro	25,3%	74,7%	25,5%	74,5%	0,2	-0,2
North Macedonia	38,6%	61,4%	37,0%	63,0%	-1,6	1,6
Serbia	29,3%	70,7%	27,1%	72,9%	-2,2	2,2
Kosovo*	-	-	49,6%	50,4%	-	-
Average	29,4%	70,1%	29,1%	70,9%	-0,8	0,8
Median	29,3%	70,7%	27,1%	72,9%	-1,6	1,6
Minimum	24,4%	61,4%	25,3%	63,0%	-2,2	-0,9
Maximum	38,6%	75,6%	37,0%	74,7%	0,9	2,2

* 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*

12.2 Public prosecutors and non-prosecutor staff

Table 12.2.1 Distribution of male and female public prosecutors in 2018 and 2022 (Q28)

Beneficiaries	Public prosecutors					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	54,5%	45,5%	NA	NA
Bosnia and Herzegovina	48,4%	51,6%	48,9%	51,1%	0,5	-0,5
Montenegro	37,8%	62,2%	37,9%	62,1%	0,0	0,0
North Macedonia	44,3%	55,7%	44,6%	55,4%	0,3	-0,3
Serbia	44,3%	55,7%	39,7%	60,3%	-4,6	4,6
Kosovo*	-	-	55,3%	44,7%	-	-
Average	43,7%	56,3%	45,1%	54,9%	-1,0	1,0
Median	44,3%	55,7%	44,6%	55,4%	0,2	-0,2
Minimum	37,8%	51,6%	37,9%	45,5%	-4,6	-0,5
Maximum	48,4%	62,2%	54,5%	62,1%	0,5	4,6

* 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 12.2.2 Distribution of male and female prosecutors by instance in 2018 and 2022 (Q28)

Beneficiaries	First instance prosecutors						Second instance (court of appeal) prosecutors						Supreme Court prosecutors					
	2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	52,8%	47,2%	NA	NA	NA	NA	58,3%	41,7%	NA	NA	NA	NA	80,0%	20,0%	NA	NA
Bosnia and Herzegovina	48,3%	51,7%	48,0%	52,0%	-0,3	0,3	NAP	NAP	NAP	NAP	NAP	NAP	48,7%	51,3%	51,8%	48,2%	3,1	-3,1
Montenegro	38,2%	61,8%	35,9%	64,1%	-2,3	2,3	33,3%	66,7%	42,4%	57,6%	9,1	-9,1	44,4%	55,6%	33,3%	66,7%	-11,1	11,1
North Macedonia	40,5%	59,5%	39,2%	60,8%	-1,3	1,3	53,6%	46,4%	59,1%	40,9%	5,5	-5,5	77,8%	22,2%	80,0%	20,0%	2,2	-2,2
Serbia	43,0%	57,0%	39,3%	60,7%	-3,7	3,7	60,4%	39,6%	46,5%	53,5%	-13,9	13,9	50,0%	50,0%	36,4%	63,6%	-13,6	13,6
Kosovo*	-	-	53,7%	46,3%	-	-	-	-	66,7%	33,3%	-	-	-	-	75,0%	25,0%	-	-
Average	42,5%	57,5%	43,0%	57,0%	-1,9	1,9	49,1%	50,9%	51,6%	48,4%	0,2	-0,2	55,2%	44,8%	56,3%	43,7%	-4,9	4,9
Median	41,8%	58,2%	39,3%	60,7%	-1,8	1,8	53,6%	46,4%	52,4%	47,6%	5,5	-5,5	49,3%	50,7%	51,8%	48,2%	-4,4	4,4
Minimum	38,2%	51,7%	35,9%	47,2%	-3,7	0,3	33,3%	39,6%	42,4%	40,9%	-13,9	-9,1	44,4%	22,2%	33,3%	20,0%	-13,6	-3,1
Maximum	48,3%	61,8%	52,8%	64,1%	-0,3	3,7	60,4%	66,7%	59,1%	57,6%	9,1	13,9	77,8%	55,6%	80,0%	66,7%	3,1	13,6

* 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 12.2.3 Distribution of male and female heads of prosecution offices in 2018 and 2022 (Q28-1)

Beneficiaries	Heads of prosecution offices					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	91,4%	8,6%	NA	NA
Bosnia and Herzegovina	63,2%	36,8%	55,6%	44,4%	-7,6	7,6
Montenegro	58,8%	41,2%	47,1%	52,9%	-11,8	11,8
North Macedonia	67,9%	32,1%	56,5%	43,5%	-11,3	11,3
Serbia	58,9%	41,1%	51,1%	48,9%	-7,8	7,8
Kosovo*	-	-	100,0%	0,0%	-	-
Average	62,2%	37,8%	60,3%	39,7%	-9,6	9,6
Median	61,0%	39,0%	55,6%	44,4%	-9,6	9,6
Minimum	58,8%	32,1%	47,1%	8,6%	-11,8	7,6
Maximum	67,9%	41,2%	91,4%	52,9%	-7,6	11,8

* 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 12.2.4 Distribution of male and female heads of prosecution offices by instance in 2018 and 2022 (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		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022		2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	90,9%	9,1%	NA	NA	NA	NA	83,3%	16,7%	NA	NA	NA	NA	77,8%	22,2%	NA	NA
Bosnia and Herzegovina	64,7%	35,3%	50,0%	50,0%	-14,7	14,7	NAP	NAP	NAP	NAP	NAP	NAP	50,0%	50,0%	100,0%	0,0%	50,0	-50,0
Montenegro	57,1%	42,9%	46,2%	53,8%	-11,0	11,0	50,0%	50,0%	66,7%	33,3%	16,7	-16,7	100,0%	0,0%	-	100,0%	-100,0	100,0
North Macedonia	65,2%	34,8%	44,4%	55,6%	-20,8	20,8	75,0%	25,0%	100,0%	0,0%	25,0	-25,0	100,0%	0,0%	100,0%	0,0%	0,0	0,0
Serbia	58,8%	41,2%	51,8%	48,2%	-7,1	7,1	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%	56,7%	43,3%	-13,4	13,4	66,7%	33,3%	75,0%	25,0%	5,6	-5,6	62,5%	37,5%	69,4%	44,4%	-12,5	12,5
Median	61,8%	38,2%	50,0%	50,0%	-12,8	12,8	75,0%	25,0%	75,0%	25,0%	16,7	-16,7	75,0%	25,0%	88,9%	22,2%	0,0	0,0
Minimum	57,1%	34,8%	44,4%	9,1%	-20,8	7,1	50,0%	25,0%	50,0%	0,0%	-25,0	-25,0	0,0%	0,0%	0,0%	0,0%	-100,0	-50,0
Maximum	65,2%	42,9%	90,9%	55,6%	-7,1	20,8	75,0%	50,0%	100,0%	50,0%	25,0	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 12.2.5 Distribution of male and female non-prosecutor staff in 2018 and 2022 (Q32)

Beneficiaries	Non-prosecutor staff					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	49,4%	50,6%	NA	NA
Bosnia and Herzegovina	29,4%	70,6%	28,1%	71,9%	-1,3	1,3
Montenegro	25,2%	74,8%	28,5%	71,5%	3,3	-3,3
North Macedonia	32,1%	67,9%	28,3%	71,7%	-3,8	3,8
Serbia	23,0%	77,0%	22,0%	78,0%	-1,0	1,0
Kosovo*	-	-	44,9%	55,1%	-	-
Average	27,4%	72,6%	31,3%	68,7%	-0,7	0,7
Median	27,3%	72,7%	28,3%	71,7%	-1,1	1,1
Minimum	23,0%	67,9%	22,0%	50,6%	-3,8	-3,3
Maximum	32,1%	77,0%	49,4%	78,0%	3,3	3,8

* 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*

12.3 Lawyers

Table 12.3.1 Distribution of male and female lawyers in 2018 and 2022 (Q33)

Beneficiaries	Lawyers					
	2018		2022		Variation (in percentage points) 2018 - 2022	
	% Male	% Female	% Male	% Female	Male	Female
Albania	NA	NA	NA	NA	NA	NA
Bosnia and Herzegovina	69,6%	30,4%	67,1%	32,9%	-2,5	2,5
Montenegro	67,6%	32,4%	64,1%	35,9%	-3,5	3,5
North Macedonia	48,6%	51,4%	57,3%	42,7%	8,7	-8,7
Serbia	65,0%	35,0%	NA	NA	NA	NA
Kosovo*	-	-	78,2%	21,8%	-	-
Average	62,7%	37,3%	62,8%	37,2%	0,9	-0,9
Median	66,3%	33,7%	64,1%	35,9%	-2,5	2,5
Minimum	48,6%	30,4%	57,3%	32,9%	-3,5	-8,7
Maximum	69,6%	51,4%	67,1%	42,7%	8,7	3,5


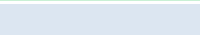
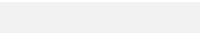

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo is not included in the calculation of summary statistics*

12.4 Policies on gender equality

Table 12.4.1 Existence of specific provisions for facilitating gender equality within the framework of the procedures for recruiting and promoting in 2022 (Q275 and Q276)

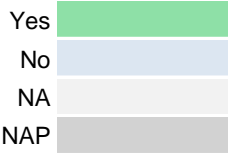
Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedure of recruiting						Specific provisions for facilitating gender equality within the framework of the procedures for promoting					
	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents	Judges	Prosecutors	Non-judge staff	Lawyers	Notaries	Enforcement agents
Albania												
Bosnia and Herzegovina	Yes	Yes					Yes	Yes				
Montenegro	Yes	Yes					Yes	Yes				
North Macedonia												
Serbia												
Kosovo*		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 12.4.2 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 2022 (Q277)


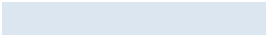
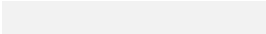

Beneficiaries	Specific provisions for facilitating gender equality within the framework of the procedures for the appointment	
	Court presidents	Heads of prosecution services
Albania	No	No
Bosnia and Herzegovina	Yes	Yes
Montenegro	Yes	Yes
North Macedonia	No	No
Serbia	No	No
Kosovo*	No	Yes



* 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.

Table 12.4.3 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 2022 (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 12.4.4 Policies for males/females equality at court and prosecution services level in 2022 (Q283)

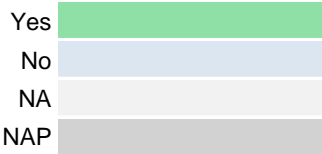
Beneficiaries	At court and prosecution services level		
	Existence of a person/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work		
	In courts (judges)	In public prosecution services (prosecutors)	For courts' non-judge staff
Albania			
Bosnia 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 12.4.5 Existence of statistics concerning male and female court users, persons who initiate a case, victims, accused persons, and evaluation studies or official reports regarding the main causes of possible inequalities in 2022 (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*						



* This designation 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 12.4.6 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 2022 (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	<p>"Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men promulgated in 2012" are implemented.</p> <p>New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia. This 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 2022 - 2027, as a fourth strategic document in this area.</p>	<p>In order to improve the position of women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. Also, a new Law on Gender Equality is still in a process of drafting. The draft text is reviewed by experts (TAIEX instrument) for its compliance with international standards.</p> <p>According to 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".</p>	<p>The new Strategy for Gender Equality 2022-2027 as a new key document was adopted in 2022. According to the new Strategy 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. Also, in 2022 we must emphasize some important achieved activities for implementation of Istanbul Convention and Law on the prevention and protection from violence against women and domestic violence. Amendments of the Criminal Code and new criminal offences in compliance with Istanbul Convention were adopted. Also, new bylaws for generating statistics in courts and public prosecution offices for domestic violence was adopted by the Minister of Justice in December 2022. At the end, the most important, the first Law on payment of monetary compensation to victims of criminal offences (Law on state compensation) was adopted in November 2022. Implementation of this Law is starting from May 2023.</p>
Serbia	NAP	NAP	NAP
Kosovo*	<p>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. During 2022, out of 11 members of the KPC, 4 were women.</p>	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.

Indicator 12-Gender Equality

by country

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?

Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work:

Question 285. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the

Question 286. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Albania

Q277 (2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

Q277 (2019): http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf

Q279 (General Comment): 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”.

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.

Q279 (2022): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues.

Q279 (2021): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Q279 (2020): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Q279 (2019): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Bosnia and Herzegovina

Q275 (General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well

Q276 (General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well

Q277 (2019): The Statistics agencies publish data on the distribution between males and females within all professions.

Q278 (2022): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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 Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions.

In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.

As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.

The Strategy is available here: <https://pravosudje.ba/vstvfo/E/141/article/95500>

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In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In accordance with the recommendations of HJPC all courts and prosecutors' offices have appointed one or two of its employees as counselors for the prevention of sexual and

Q279 (General Comment): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

Q279 (2019): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included 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

Q283 (2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of

Q287 (2022): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2022 - Plaintiffs: 61% (Male), 39% (Female).

First instance civil litigious cases initiated in 2022 - Defendants: 62% (Male), 38% (Female).

First instance administrative cases initiated in 2022 - Plaintiffs: 75% (Male), 25% (Female).

First instance criminal cases - Defendants: 91% (Male), 9% (Female).

First instance criminal cases Injured by Criminal Offence: 67% (Male), 33% (Female).

Q287 (2021): Available data generated from the case management system in courts: First instance civil litigious cases 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

Q275 (General Comment): Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

Q275 (2022): 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.

The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-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 representation of the members of minority nations and other minority national communities as well as gender

Q275 (2019): Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

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.

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The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

Q277 (2020): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

Data on the gender and age structure of Presidents of courts and judges is published in the Annual Reports on the Work of the Judicial Council and Total Balance in the Judiciary, which are public.

Q277 (2019): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

Data on the gender and age structure of Presidents of courts and judges is published in the Annual Reports on the Work of the Judicial Council and Total Balance in the Judiciary,

Q287 (2022): The mentioned categories of persons are entered through the information system (PRIS).

Q287 (2021): The mentioned categories of persons are entered through the information system (PRIS).

North Macedonia

Q275 (2022): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:

https://www.mtsp.gov.mk/content/pdf/2022/strategija_/D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

Q275 (2021): According to the new Strategy for Gender Equality 2021-2026 (still in the parliamentary procedure) and 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

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 Gender Equality 2013-2020".

Q277 (2019): Within the framework of the regular reporting for the implementation of the conventions, survey for distribution males/females in the judiciary is elaborated.

Q278 (General Comment): The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:

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Q278 (2021): "Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men 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 women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. (Annex document 1 "Strategy for Gender Equality 2021-2026). Also, a new Law on Gender

Q278 (2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men promulgated in 2012" and "Strategy on Gender Equality 2013-2020".

Q278 (2019): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted.

Q279 (General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Legal Representative

Article 21

(1)The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2)The procedure in the Ministry shall be led by the representative. (3)The 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.

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Q286 (2021): There are no problems in these areas.

Serbia

Q275 (General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation: <http://www.legislationline.org/documents/action/popup/id/16015> and in Serbian: https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities.

Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty pursuant to law. (for more information please see: http://europa.rs/files//Gender_Equality/Gender-Analysis-Serbia-dec-2016.pdf, IPA – PRE-ACCESSION INSTRUMENT (NEAR) GENDER ANALYSIS FOR SERBIA Letter of Contract

Q275 (2021): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of 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 any grounds is

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For example, Article 3 of the Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of RS", No 94/2016) prescribes that in the election of judges with permanent tenure in another or higher court, as well as in the process of proposing candidates for court presidents, discrimination on any grounds is prohibited.

Q276 (2019): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

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Q277 (2020): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia throughout the evaluation cycles show more female than male professional judges in courts at all levels. Also, generally, among Court Presidents at first instance courts, the proportion of women is greater than men. This is reflected in the proportion of candidates for presidency of courts that are women.

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With respect to public prosecutors, while the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime, throughout the cycles. In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO's: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor's office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female heads of offices is: in Basic PO: 41%; Higher PO: 32%; Appellate PO: 25 %; Special PO: 50%; and Supreme (State) PO: 100%. In total, in 2016, out of 90 heads of prosecutor's offices, 55 were male (61 %) and 35 were female (39 %). Thus, for the public prosecutor's office, it can be noticed that the female participation in the number of deputy prosecutors in 2016 remained the same as in 2013 – 55%, while their participation in the number of heads of public prosecutor's offices increased from 31% in 2013 to 39% in 2016. Further, female court presidents (professional judges) in 2016 have represented the majority of the court presidents (professional judges) -In total: 54%; First instance: 54%; Second instance: 50%; Supreme court of Cassation: 0%.

In April 2017, there were 97 female and 68 male notaries, pursuant to the “Report on the Implementation of the Notariat in the Republic of Serbia” (OSCE, Dejan Đurđević, Ph.D.,

Q278 (2022): HR Strategy (2022-2026) with Accompanying Action plan

<https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/133/1>

(the document is available only in Serbian). This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality).

There is no specific gender equality strategy in the judiciary. In Republic of Serbia, there is HR Strategy in the Judiciary adopted for period from 2022-2026 and. This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the

Q278 (2020): NAP

Q278 (2019): NAP

Q279 (2021): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see: <https://www.rodnaravnopravnost.gov.rs/>.

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Q285 (General Comment): As statistics point out, gender balance in Serbian judiciary is generally present in terms to access to different judicial professions. 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 their promotion by taking into account the job performance marks they have already been awarded i.e. to disregard the year in which they have not received a job performance mark due to maternity and childcare parental leaves (please see: <http://ravnopravnost.gov.rs/en/complaint-filed-by-s-v-and-a-m-m-against-basic-court-in-kragujevac-for-discrimination-on-grounds-of-family-status-in-area-of-work-and-employment/>).

Wage compensation to employed pregnant women has been enhanced upon enacting of the new Law on Financial Support to Families with Children ("Official Gazette of RS no. 113/2017) in December 2017, which is applicable from 1 July 2018 (please see: <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2017/3743-17%20lat.pdf>). The law is based on several previously conducted analyses, and to a great extent improves the financial position of employed parents (please see: https://www.unicef.org/serbia/novcana_davanja_za_decu_i_porodice_sa_decom_u_rs.pdf; <http://www.oknis.org.rs/wp-content/uploads/2013/03/Financial-Assistance-to-Families-with-Children.pdf>).

The Action plan for Chapter 23 in EU Integration provides for the following activities which have been implemented:

3.6.1.9. Analysis of the effects of current National Strategy for improving the status of women and promoting gender equality ("Official Gazette RS ", No. 15/09). (deadline: IV quarter of 2015); 3.6.1.10. Development and adoption of a new National Strategy for improving the status of women and promoting gender equality and adoption of Action Plan for its implementation (deadline: for adoption: IV quarter of 2015; for implementation of the Action Plan: Continuously, commencing from IV quarter of 2015). On January 14, 2016, the Government of the Republic of Serbia adopted the new National Strategy for Gender Equality for the period 2016-2020, as well as an Action plan for its implementation, which

Q287 (2021): Relevant statistics do not exist.

Q287 (2020): Relevant statistics do not exist.

Q287 (2019): Relevant statistics do not exist.

Kosovo*

Q275 (General Comment): The Law on KPC, Article 7, paragraph 5 stipulates the duty of the Council among others to ensure the implementation and oversighting of the requirements for admission to the prosecution office, which should be made in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation. Article 20, paragraph 6 when elaborating the recruitment process stipulates as following: Giving priority to candidates with equal qualifications from under-represented communities will be implemented while the percentage of non-majority community prosecutors in Kosovo is below fifteen per cent (15%) and/or while the

Q275 (2022): Lawyers category: The Governing Council of the KCA for the year 2022 and 2023, has decided to make it easier for lawyers who are on maternity leave to practice the profession of lawyer, issued Decision no. 1962-1/2021, dt. 31.12.2021 and Decision no. 1458-2/22, with which lawyers in maternity have been released from paying the annual

Q275 (2020): Prosecutors : Article 7, paragraph 5 and article 20 par. 6 of the Law on Kosovo Prosecutorial Council

Q276 (General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for application based on the Article 7 of the Law on the Prosecutorial Council.

Q276 (2019): There are no specific provisions for facilitating gender equality. The article of the Law we referred earlier is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for application based on

Q277 (2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

Q277 (2019): These reports are being drafted and published by KPC and KJC. These annual working reports, contain data with regard to functioning of the courts/prosecution, including the number of judges and prosecutors. With regard to distribution of men/women, these reports have a special annex, for instance, with the performance of each judge individually. So, there is not a single specific report on the distribution, but these reports, inside, provide these information. There is a full list of judges with the number of cases solved throughout that year. Unfortunately, these reports are not available in English, but I attached one example in Albanian. See the link below. <https://www.gjyqesori-rks.org/wp->

Q279 (General Comment): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an 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 promoting equality and respect for all.

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Q286 (2022): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

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Indicator 12-Gender Equality

by question No.

Question 275. Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting :

Question 276. Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

Question 277. Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of:

Question 278. Does your country have an overarching document (e.g. policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary ?

Question 279. At national level, is there any specific person (e.g. an equal opportunities commissioner)/institution dealing with gender issues in the justice system concerning:

Question 283. At the court or public prosecution services level, is there a person (e.g. an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of

Question 285. In order to improve gender balance in access to different judicial professions and equality in promotion and in access to functions of responsibility, what are the

Question 286. Are there evaluation studies or official reports regarding the main causes of possible inequalities with regard to:

Question 287. Are there statistical data concerning male and female court users, persons who initiate a case, victims, accused persons, etc.

Question 275

Bosnia and Herzegovina

(General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well

Montenegro

(General Comment): Judges: Article 30 of The Law on Judicial Council and Judges

Decisions of the Judicial Council shall be final and unless otherwise provided by the present Law, an administrative dispute may be initiated against them.

When making a decision on the appointment of judges and court presidents, the Judicial Council shall take into account the proportional representation of minorities and other minority communities and gender-balanced representation.

Prosecutors: According to the Law on State Prosecution Service, in rendering its decisions on the election of the heads of the state prosecution offices and state prosecutors, the Prosecutorial Council shall take into account the proportionate representation of the members of minority nations and other minority national communities as well as gender balance.

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The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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North Macedonia

(2022): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:

https://www.mtsp.gov.mk/content/pdf/2022/strategija_/D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

(2021): According to the new Strategy for Gender Equality 2021-2026 (still in the parliamentary procedure) and 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".

Serbia

(General Comment): The Constitution and relevant legislation guarantee equality before law, equal protection of rights before the courts and other state bodies and bodies of AP Vojvodina and LSGs. The Constitutional provisions on the equality before law include equal protection before courts and other bodies and equal access to legal remedies (Art. 36) and legal assistance (Art. 67), right to rehabilitation and compensation of material or non-material damage inflicted by unlawful or irregular work of state bodies or other entities (Art. 35). The equal right to legal capacity is also guaranteed (Art. 37.1). The Law on Prohibition of Discrimination and the Law on the Equality Between Sexes ("Official Gazette of the Republic of Serbia", No. 104/2009), please see unofficial English translation: <http://www.legislationline.org/documents/action/popup/id/16015> and in Serbian: https://www.paragraf.rs/propisi/zakon_o_ravnopravnosti_polova.html) additionally stress equality before law of both women and men; that all people are equal and enjoy the same status and equal legal protection regardless of their personal properties. Everyone has equal access and equal protection of rights before courts and public authorities. Discriminatory treatment by an official, namely by a responsible person of public authority is considered severe violation of work duty pursuant to law. (for more information please

(2021): Gender inequality in terms of representation of gender has not been indicated as an issue which needs active facilitation. This is why no specific positive discrimination provisions currently address this matter. The relevant bylaws of the High Court Council and State Prosecutorial Council provide for the need for non-discrimination on all bases, for both selection and promotion.

For example, Article 46 of the Law on Judges (Official Gazette of the RS, No. 116/2008, 58/2009 – decision of the CC, 104/2009, 101/2010, 8/2012 – decision of the CC, 121/2012, 124/2012 – decision of the CC, 101/2013, 111/2014 – decision of the CC, 117/2014, 40/2015, 63/2015 – decision of the CC, 106/2015, 63/2016 – decision of the CC and 47/2017) stipulates that when electing a judge and proposing the election of a judge, discrimination on any grounds is prohibited. According to Amendments to Rules of Procedure of the

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Question 276

Bosnia and Herzegovina

(General Comment): The Law on High Judicial and Prosecutorial Council of Bosnia and Herzegovina pinpoints the criteria for recruitment and promotion of judges and prosecutors. The Law makes it obligatory for the High Judicial and Prosecutorial Council of Bosnia and Herzegovina that appointments to all levels of the judiciary should also have, as an objective, the achievement of equality between women and men. The Law applies to all appointments and promotions of court presidents, chief prosecutors, judges, and prosecutors. As for other categories only general legislation on the gender equality has been adopted to prohibit discrimination of employees as well

Montenegro

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The similar regulation is a part of the Law on State Prosecution: When making a decision on the appointment of judges and court presidents, the Prosecutorial Council shall take into account the proportional representation of minorities and other minority communities and gender balanced representation.

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North Macedonia

(2021): See answers Q275 and Q278

Serbia

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For example, Article 3 of the Rulebook on Criteria and Standards for Evaluation of Expertise, Competence and Worthiness for the Election of Judges with Permanent Tenure to Another or Higher Court and on Criteria for Proposing Candidates for Court Presidents ("Official Gazette of RS", No 94/2016) prescribes that in the election of judges with permanent tenure in another or higher court, as well as in the process of proposing candidates for court presidents, discrimination on any grounds is prohibited.

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Kosovo*

(General Comment): There are no specific provisions for facilitating gender equality. The Article 7 of the Law on the Prosecutorial Council is a general and broad statement which requires that the gender equality is respected and considered in the case of recruitment. So, there is no specific arrangement in the Law, but, it can be specified in the call for

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Question 277

Albania

(2020): <http://www.instat.gov.al/media/7376/burra-dhe-gra-2020.pdf>

(2019): http://www.instat.gov.al/media/6413/burra-dhe-gra_2019.pdf

Bosnia and Herzegovina

(2019): The Statistics agencies publish data on the distribution between males and females within all professions.

Montenegro

(General Comment): Article 30 of The Law on Judicial Council and Judges

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(2020): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

Data on the gender and age structure of Presidents of courts and judges is published in the Annual Reports on the Work of the Judicial Council and Total Balance in the Judiciary, which are public.

(2019): Data on the gender and age structure of state prosecutors is published in the annual performance report of the Prosecutorial Council and the State Prosecution Office, by respective state prosecutor's offices.

North Macedonia

(2021): See answers Q275 and Q278

(2020): Attachments: "Law on Equal Opportunities for women and men promulgated in 2012" and "Strategy on Gender Equality 2013-2020".

(2019): Within the framework of the regular reporting for the implementation of the conventions, survey for distribution males/females in the judiciary is elaborated.

Serbia

(2020): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdtfjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia throughout the evaluation cycles show more female than male professional judges in courts at all levels. Also, generally, among Court Presidents at first

(2019): Statistics on the distribution males/females within the judicial system are gathered yearly. It would be useful to note that the statistics of gender equity in employment in Serbian judiciary is considered generally appropriate, as the „Serbia Judicial Functional Review” (Multi-Donor Trust Fund for Justice Sector Support in Serbia, October 2014, p. 309, <http://www.mdftjss.org.rs/archive/file/Serbia%20Judicial%20Functional%20Review-Full%20Report.pdf> , accessed on 15 January 2018), published in 2014, states.. Figures submitted to the CEPEJ by Serbia throughout the evaluation cycles show more female than male professional judges in courts at all levels. Also, generally, among Court Presidents at first instance courts, the proportion of women is greater than men. This is reflected in the proportion of candidates for presidency of courts that are women. However, among Court Presidents at the second instance, men far outnumber women. The vast majority of non-judge staff in the courts are women. The overwhelming majority of professional judges sitting in courts are female: Generally, throughout the cycles: total: 70%; -First instance: 70%; -Second instance: 75%; and even at supreme court level: 58%. Therefore, the conclusions on gender representation made in 2014 by the MDTF Serbia Judicial Functional Review likewise stand today, although female second instance court presidents have become significantly more represented.

With respect to public prosecutors, while the proportion of women is higher in basic than higher level PPOs, women represent close to 50 percent of all prosecutors at all levels other than the Office of Organized Crime, throughout the cycles. In 2017, the State Prosecutorial Council has made an analysis of the number of female deputy prosecutors at various levels, based on data from 2016, which was submitted to the CEPEJ. The percentage of female deputy prosecutors is as follows: Basic PO: 58%; Higher PO: 53%; Appellate PO: 48%; Special PO's: 19%; Supreme (State) PO: 42%. In total, in 2016, out of 617 deputy prosecutors in public prosecutor's office of Serbia, 338 were female (55%) and 279 were male (45%). The percentage of female heads of offices is: in Basic PO: 41%; Higher PO: 32%; Appellate PO: 25 %; Special PO: 50%; and Supreme (State) PO: 100%. In total, in 2016, out of 90 heads of prosecutor's offices, 55 were male (61 %) and 35 were female (39 %). Thus, for the public prosecutor's office, it can be noticed that the female participation in the number of deputy prosecutors in 2016 remained the same as in 2013 – 55%, while their participation in the number of heads of public prosecutor's offices increased from 31% in 2013 to 39% in 2016. Further, female court presidents (professional judges) in 2016 have represented the majority of the court presidents (professional judges) -In total: 54%;

Kosovo*

(2021): Article 7, paragraph 5 and article 20 paragraph 6 of Law on Kosovo Prosecutorial council: <https://gzk.rks-gov.net/ActDetail.aspx?ActID=2709>

(2019): These reports are being drafted and published by KPC and KJC. These annual working reports, contain data with regard to functioning of the courts/prosecution, including the number of judges and prosecutors. With regard to distribution of men/women, these reports have a special annex, for instance, with the performance of each judge individually. So, there is not a single specific report on the distribution, but these reports, inside, provide these information. There is a full list of judges with the number of cases solved throughout that year. Unfortunately, these reports are not available in English, but I attached one example in Albanian. See the link below. <https://www.gjyqesori-rks.org/wp->

Question 278

Bosnia and Herzegovina

(2022): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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 Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions.

In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions.

In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by

(2021): In October 2020, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted the 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.

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In cooperation with judicial institutions and Swedish experts, the HJPC has commenced the realization of activities, with the purpose of implementing the Strategy in the judiciary of BiH, within the Project Improving Court Efficiency and Accountability of Judges and Prosecutors in BiH - Phase 3.

The HJPC will provide support to judicial institutions in the process of preparation of their implementation plans and will regularly monitor their realization by judicial institutions. In accordance with the recommendations of HJPC all courts and prosecutors' offices have appointed one or two of its employees as counselors for the prevention of sexual and

North Macedonia

(General Comment): The Law for the promotion of equal rights between woman and man contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted. New Strategy for gender equality 2022 - 2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:

https://www.mtsp.gov.mk/content/pdf/2022/strategija_/D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

(2022): New Strategy for Gender Equality 2022-2027 was adopted on 27 July 2022 by the Assembly of the Republic of North Macedonia, published in Official Gazette of North Macedonia No. 170/22 from 28 July 2022. It is available on the web site of Ministry of Labor and Social Policy:

https://www.mtsp.gov.mk/content/pdf/2022/strategija_/D0%A1%D1%82%D1%80%D0%B0%D1%82%D0%B5%D0%B3%D0%B8%D1%98%D0%B0_%D0%B7%D0%B0_%D1%80%D0%BE%D0%B4%D0%BE%D0%B2%D0%B0_%D0%B5%D0%B4%D0%BD%D0%B0%D0%BA%D0%B2%D0%BE%D1%81%D1%82_2022_2027.pdf

(2021): "Strategy on Gender Equality 2013-2020" and "Law on Equal Opportunities for women and men 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 women in all areas of public and private life, according to the new Strategy, one of the specific goals is: Equal access to justice for all women and men. (Annex document 1 "Strategy for Gender Equality 2021-2026). Also, a new Law on Gender

(2020): Please the attachments in Q277: "Law on Equal Opportunities for women and men promulgated in 2012" and "Strategy on Gender Equality 2013-2020".

(2019): There is a Law for the promotion of equal rights between woman and man which contains special measures for improvement of equality between woman and man in the judiciary. In addition to that, the Law prescribes that every 8 years the Strategy for gender equality will be adopted.

Serbia

(2022): HR Strategy (2022-2026) with Accompanying Action plan

<https://www.pravno-informacioni-sistem.rs/SlGlasnikPortal/eli/rep/sgrs/vlada/strategija/2021/133/1>

(the document is available only in Serbian). This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the Law on Gender Equality).

There is no specific gender equality strategy in the judiciary. In Republic of Serbia, there is HR Strategy in the Judiciary adopted for period from 2022-2026 and. This strategy is qualified as sectoral and national strategy, and therefore it is harmonized with the other strategies, as well as the legislative framework of the Republic of Serbia (such as, with the

(2020): NAP

(2019): NAP

Question 279

Albania

(General Comment): 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".

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.

(2022): At national level, the Commissioner against Discrimination is an independent institution dealing with gender equality issues.

(2021): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

(2020): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

(2019): At national level, there is an independent institution dealing with gender equality issues which is the Commissioner against Discrimination.

Bosnia and Herzegovina

(General Comment): There is a general Gender Equality Agency.

This Agency is responsible for resolving complaints of persons indicating violations of a certain right included in the General Law on the Gender Equality.

(2019): There is a general Gender Equality Agency.

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

(General Comment): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

Legal Representative

Article 21

(1) The person whose right to equal treatment on the grounds of gender has been violated may file a petition to the Ministry. (2) The procedure in the Ministry shall be led by the representative. (3) The representative shall be employed as a civil servant in the Ministry in charge of conducting a procedure for identifying unequal treatment of women and

(2022): In the Ministry of labor and social policy exists legal representative for the protection of equal rights between the woman and man. In addition to this, there is a protection provided by the Ombudsman, Commission for Anti-discrimination and regular court.

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Article 21

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Serbia

(2021): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see:

(2020): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see:

(2019): On 1 June 2018, the Commissioner for Protection of Equality in Serbia has addressed gender inequality issues with respect to the promotion of non-judge staff in courts, with publishing and sending of a General Recommendation on Equality Measures to all courts in Serbia, with respect to the promotion of non-judge staff (please see: <http://ravnopravnost.gov.rs/preporuka-mera-za-ostvarivanje-ravnopravnosti-sudovima-cir/>). Likewise, a Coordination Body for Gender Equality exists on the national level dealing with gender equality issues in general (not specific to the judiciary), established on 30 October 2014. The Minister of Justice is a member. Please see:

Kosovo*

(General Comment): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an 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 promoting equality and respect for all.

(2021): In the judicial and prosecutorial system there is a Forum of women judges and prosecutors which is an 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 promoting equality and respect for all.

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

(2019): It is the general responsibility of the heads of the courts and prosecutors' offices to supervise the work of these institutions on all matters including the respect of gender

Question 285

Serbia

(General Comment): As statistics point out, gender balance in Serbian judiciary is generally present in terms to access to different judicial professions.

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 their promotion by taking into account the job performance marks they have already been awarded i.e. to disregard the year in which they have not received a job performance mark due to maternity and childcare parental leaves (please see: <http://ravnopravnost.gov.rs/en/complaint-filed-by-s-v-and-a-m-m-against-basic-court-in-kragujevac-for-discrimination-on-grounds-of-family-status-in-area-of-work-and-employment/>).

Wage compensation to employed pregnant women has been enhanced upon enacting of the new Law on Financial Support to Families with Children (“Official Gazette of RS no. 113/2017) in December 2017, which is applicable from 1 July 2018 (please see: <http://www.parlament.gov.rs/upload/archive/files/lat/pdf/zakoni/2017/3743-17%20lat.pdf>). The law is based on several previously conducted analyses, and to a great extent improves the financial position of employed parents (please see: https://www.unicef.org/serbia/novcana_davanja_za_decu_i_porodice_sa_decom_u_rs.pdf; <http://www.oknis.org.rs/wp-content/uploads/2013/03/Financial-Assistance-to-Families-with-Children.pdf>).

The Action plan for Chapter 23 in EU Integration provides for the following activities which have been implemented:

Question 286

North Macedonia

(2021): There are no problems in these areas.

Kosovo*

(2022): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

(2021): Report of British Project “Institutional Gender and social inclusion assessment of the Kosovo Prosecution service.

Question 287

Bosnia and Herzegovina

(2022): Available data generated from the case management system in courts: First instance civil litigious cases initiated in 2022 - Plaintiffs: 61% (Male), 39% (Female).

First instance civil litigious cases initiated in 2022 - Defendants: 62% (Male), 38% (Female).

First instance administrative cases initiated in 2022 - Plaintiffs: 75% (Male), 25% (Female).

First instance criminal cases - Defendants: 91% (Male), 9% (Female).

First instance criminal cases Injured by Criminal Offence: 67% (Male), 33% (Female).

(2021): Available data generated from the case management system in courts: First instance civil litigious cases 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

(2022): The mentioned categories of persons are entered through the information system (PRIS).

(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.

(2019): Relevant statistics do not exist.

Overview of Reforms

Overview of Reforms

Undergoing or foreseen reforms (part 1/2) (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Undergoing or foreseen reforms (part 2/2) (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Undergoing or foreseen reforms (part 1/2) (Q288-1, Q288-2, Q288-3, Q288-4, Q288-5 and Q288-6)

Beneficiaries	(Comprehensive) reform plans			Budget			Courts and public prosecution services			Access to justice and legal aid			High Judicial Council and High Prosecutorial Council			Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects		
	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023
Albania	Yes	No	No	No	No	No	Yes	No	No	No	No	No	No	No	No	No	No	No
Bosnia and Herzegovina	No	No	Yes	No	No	No	Yes	No	Yes	No	No	No	Yes	No	No	Yes	No	No
Montenegro	Yes	No	No	No	No	Yes	Yes	No	Yes	No	No	Yes	Yes	No	No	Yes	No	No
North Macedonia	Yes	No	Yes	Yes	No	No	Yes	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	No
Serbia	Yes	No	No	No	No	No	Yes	No	Yes	No	No	Yes	Yes	No	No	Yes	No	No
Kosovo*	Yes	No	No	No	No	No	Yes	No	No	No	No	No	Yes	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.

Undergoing or foreseen reforms (part 2/2) (Q288-7, Q288-8, Q288-9, Q288-10, Q288-11 and Q288-12)

Beneficiaries	Gender equality			Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities			Mediation and other ADR			Fight against corruption and accountability mechanisms			Domestic violence			New information and communication technologies		
	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023	Planned	Adopted	Implemented in 2023
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.

Question 288-1. (Comprehensive) reform plans

Question 288-2. Budget

Question 288-3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts (geographic locations), competences of the courts, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings)

Question 288-4. Access to justice and legal aid

Question 288-5. High Judicial and High Prosecutorial Council

Question 288-6. Legal professionals (judges, public prosecutors, lawyers): organisation, education and training, recruitment, promotion and other related aspects

Question 288-7. Gender equality

Question 288-8. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities

Question 288-9. Mediation and other Alternative Dispute Resolution

Question 288-10. Fight against corruption and accountability mechanisms

Question 288-11. Domestic violence

Question 288-12. New information and communication technologies

Albania

Q288-3 (2022): As per the new judicial map, decided in 2022 there will be a reduction of the number of courts. For instance a total of 18 courts will close. 5 Appeal Courts, 13 First Instance Courts. HPC: With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.

Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation

With Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", the Council of Ministers has approved the proposal of the Minister of Justice, for the reorganization of the distribution of courts in the territory of the country. According to this decision, throughout the country will operate a total of 13 courts of first instance of general jurisdiction, 1 Court of Appeal of General Jurisdiction and 2 administrative courts of first instance. According to the law, the prosecutor's offices work alongside the judicial system. Consequently, the organization of the prosecution offices will be carried out in accordance with the new judicial map, respectively, near the courts of first instance of general jurisdiction and the Court of Appeal of General Jurisdiction. Specifically, out of 23 prosecutor's offices that are currently in place will function only 13 prosecutor's offices, and out of 6 prosecutor's offices at the appeal level that are currently in place will function only 1 prosecutor's appeal office.

Decision no. 495, dated 21.07.2022, "On the reorganization of the judicial districts and territorial powers of the courts", of the Council of Ministers has determined deadlines during the year 2023 for the merger of the courts according to the new map, dictating the merger of the prosecution offices in accordance with this regulation.

Bosnia and Herzegovina

Q288-1 (2022): Reform Programme of HJPC for the period 2021 – 2023 has been adopted in May 2021 (available on: <https://vstv.pravosudje.ba/>), Activities, European Integration, Recommendations European Commission) and its Implementation Plan in September 2021. It takes into account recommendations of the European Commission's Peer Review assessment missions, that were carried out between 2016 – 2017, the European Commission's Opinion on Bosnia and Herzegovina's application for membership of the European Union from May 2019 and the accompanying Analytical Report of the European Commission, the Expert Report on Rule of Law Issues in Bosnia and Herzegovina from December 2019 (the Priebe Report), recommendations of the European Commission sent to BiH institutions after the 4th and 5th meetings of the Subcommittee for Justice, Freedom and Security, as well as the third Annual OSCE Report on Judicial Response to Corruption and documents prepared within the framework of USAID's project - The Judiciary against Corruption "Assessing procedures and processes in cases involving high-profile corruption, organised crime and commercial crime".

Q288-3 (2022): Planned reforms:

Debate on the reform of state level judiciary and drafting of the new Law on Courts of BiH is still ongoing; the legislative debate focuses on the establishment of the Appellate/Higher Court of BiH and redefining, in clear terms, criminal jurisdiction of state level judicial institutions. There are no plans set to reform regulation on the competencies and organization of court system and prosecutor's offices.

Implemented reforms:

The HJPC of Bosnia and Herzegovina adopted a new Book of Rules on performance indicators for prosecutors in Bosnia and Herzegovina (hereinafter: " Book of Rules ") at the session held on January 17 and 18 in 2022. The Book of Rules seek to ensure uniform application of the rules on measuring and evaluating of the performance of all prosecutors and to ensure more efficient performance of prosecutors and prosecutor's offices in Bosnia-Herzegovina.

The new Book of rules, among other things:

- Significantly reduced the quota for Chief Prosecutors and Deputy Chief Prosecutors in order to direct most of their work to the increased supervision of the work of prosecutors in the prosecutor's office. - The trial phase is weighted by prescribing a higher weighting of indictments compared to order not to conduct investigation and order to discontinue investigation. -The number of prescribed indictments has been reduced, which constitutes the annual quota for certain types of cases with the aim of improving the quality of indictments.
- The proposed new solutions give the possibility that exceptional commitment and work on the most complex cases will be adequately weighted, with a special focus on cases of economic crime, high-level corruption and organized crime.
- Stricter procedure for making decisions on additional weighting is prescribed, which additionally evaluates the prosecutor's work on the most complex types of cases.

Q288-5 (2022): Drafting procedure of the revised Law on the High Judicial and Prosecutorial Council is still ongoing, aiming improvements regarding organization and functioning of the HJPC, appointment of judges and prosecutors and disciplinary procedure, system of the appraisal of judges and prosecutors, and straightening of judicial integrity.

In parallel, in 2022, legislative initiative has been newly launched, but not finalized, in order to propose amendments on the existing Law on HJPC and achieve necessary short-term improvements (mainly issues of judicial integrity such as asset declaration for judges and prosecutors and disciplinary matters).

Q288-6 (2022): As explained under Q288-5, drafting of the revised Law on the High Judicial and Prosecutorial Council is undergoing. Apart from regulating functioning and organization of the HJPC, Law on HJPC regulates issues regarding appointment/promotion of judges and prosecutors, their discipline and related aspects.

All this issues (appointment, appraisal system, disciplinary procedure and straightening of judicial integrity) are subjected to comprehensive revision in order to improve current system. At the end of 2022, the High Judicial and Prosecutorial Council of Bosnia and Herzegovina adopted certain changes to the criteria for assessing the work of judges and prosecutors, in accordance with the analysis of the process of assessing the work of judicial office holders in the previous year. Reforms of the criteria for assessing the work of judicial office holders will continue.

Q288-7 (2022): In 2022, the HJPC has organized seven workshops for all judicial institutions, aimed at providing knowledge necessary for the creation of action plans for the implementation of the Strategy on Improving Gender Equality in the Judiciary of BiH.

The workshops were carried out in partnerships with the Swedish National Courts Administration, Swedish experts and the ambassadors from pilot judicial institutions. In addition, the HJPC has provided support to judicial institutions in the process of preparation of their action plans for the implementation of the Strategy, which was followed by their assessment and adoption.

As a result, the judicial institutions have commenced implementing their action plans in 2022, whilst the HJPC will regularly monitor their realization.

The Strategy is available here: <https://pravosudje.ba/vstvfo/E/141/article/95500>

Q288-12 (2022): Planned reforms:

- CMS/TCMS v3 - Development of the CMS/TCMS v3 is in its final phase. Implementation in the pilot institutions is planned for June 2023, and implementation in the rest of the judiciary institutions is planned to start in August 2023. - Software for planning and tracking of budgets in judiciary institutions – Technical specification for development of the Software is finished. Development of the Software is planned to be finished by the end of the 2023 and implementation in the judiciary institutions is planned for 2024.

- BiH Organized Crime And Corruption Case Map – It is planned that the Case Map will be developed and implemented by the August 2023. Implemented: - e-Sentence Portal – Since January 1, 2022 the e-sentence Portal is available to all employees in judiciary, and from February 1, 2022 it is available to professional community as well as to citizens. It contains judicial practice of 4 highest court in BiH – Court of Bosnia and Herzegovina, Supreme Court of Federation of Bosnia and Herzegovina, Supreme Court of Republica Srpska and Appellate Court of the Brčko District of Bosnia and Herzegovina. It contains selected court decisions and legal opinions. Approximately, 5000 legal opinions with accompanying court decisions have been published so far.

- System for the electronic submission and processing of utility cases (SOKOP – Mal v2) – Implemented in pilot courts and utility companies during March 2022. Implementation in the rest of the courts is planned for the second half of 2023.

Montenegro

Q288-1 (2022): The reform of the judiciary has been implemented so far in accordance with the Judicial Reform Strategy 2019-2022 and related Action Plan for implementation. Since the strategy is expired, a new strategy is planned to be adopted in 2023 for period 2024-2027 along with the accompanying action plan for implementation

Q288-2 (2022): Courts and prosecution services were recognised as a separate budget entities in the overall state Budget for 2022. Thus, the relevant provisions of the Law on Courts and Law on Prosecution were implemented. That is also a part of the whole reform process, as a contribution to the independence and autonomous position of judiciary and state prosecution service.

Q288-3 (2022): In 2023 the Plan for rationalization of judicial network is foreseen to be adopted. There is ongoing work on such document which will define measures, activities, result and impact indicators, deadlines and competent bodies as well as funding resources for implementation of the rationalization of the judicial network.

Q288-4 (2022): There is ongoing work on amendments to the Law on Free Legal Aid with the aim to provide right to free legal aid to vulnerable groups such as victims of torture, victims of sexual criminal offences, children seeking protection of the right of the child etc.

Q288-5 (2022): Both law on Judicial Council and Law on Prosecution are planned to be amended with purpose of improving work of Judicial and Prosecutorial councils and selection of their members.

Q288-6 (2022): Amendments to the Law on Judicial Council and Judges are planned to improve the provisions related to ethical and disciplinary responsibility of judges, selection of judges and court presidents, relocation and secondment of judges as well as evaluation of judges. In 2023 the amendments to the Law on Prosecution are planned with the same goal.

Q288-8 (2022): Amendments to the Law on Civil Procedure in 2023 (alignment with the EU Acquis) Amendments to the Law on Criminal proceedings in 2023 (alignment with the EU Acquis) Amendments to the law on Misdemeanors in 2023 Amendments to the Law on Judicial Cooperation in Criminal Matter with EU Member States (alignment with the EU Acquis) Ratification of the Convention on the Recognition and Enforcement of Foreign Judgements in Civil and Commercial Matter 2019
Ratification of the International Protection of Adults 2000

Q288-9 (2022): it is planned that new Program of alternative dispute resolution 2023-2025 and accompanying action plan to be adopted in 2023

Q288-10 (2022): National Strategy on Fight against Corruption 2024-2028 also planned to be adopted in 2023

Q288-11 (2022): Amendments to the Law on protection against domestic violence (family violence) are planned in 2023

Q288-12 (2022): in 2023 planned adoption of Strategy for development of ICT in judiciary 2024-2027 with Action plan 2024-2025

North Macedonia

Q288-1 (2022): Strategy for the reform of judiciary sector 2017-2022 with Action Plan - final year of implementation.

Working group for preparing of Strategy for the reform of judiciary 2023-2027 was established in 2022. First draft of Development Strategy for Judiciary 2023-2027 is prepared. The new Strategy is planned to be adopted in 2023.

Strategy for the reform of criminal law - planned

In 2022 implementation of the following Strategies continued: Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024

National Strategy for development of the penitentiary system 2021-2025

Strategy for development of the probation system 2021-2025

ICT Strategy for judiciary 2019-2024

Other National Strategies in correlation with Judiciary sector:

National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025

National Strategy for Combating Money Laundering and Financing of Terrorism (2021-2024)

Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023

Q288-2 (2022): Amendments to Law on Court Budget was planned. The draft - Development Strategy for Judiciary 2023-2027 also envisages new structure of court budget, as well as complete independence of court budget

Q288-3 (2022): Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented during 2022. New Draft Strategy for judiciary envisages different organization of court network and PPO network. Strategy for HR resources in judiciary network 2020-2024 and Strategy for HR resources in public prosecutorial network 2020-2024 must be implemented faster. New draft Law on court service according to Strategy for judiciary 2017-2022 is still in process of preparing. Process of digitalization in courts, PPO, judiciary institutions continues. Reconstruction of building of Administrative Court was finished in 2022.

Q288-4 (2022): Implementation of new Law on Free Legal Aid adopted in 2019 gives the positive results in 2022. The strengthening of the system of free legal aid is still needed. Draft new Strategy envisages new amendments on the Law on free legal aid - in criminal cases.

Q288-5 (2022): Judicial Council adopted Program and Action Plan for prevention and monitoring of the corruption in the judiciary 2022- 2025
Implementation of the Law on public prosecution office and amendments on the Law on Council of public prosecutors adopted in 2020 continued, as well as implementation on the Law on courts and new Law on Judicial Council. Few by-laws which were adopted earlier were implemented also during 2022.

Q288-6 (2022): New Law on the Academy for Judges and Public Prosecutors and Amendments of the Law on attorneys are still in parliamentary procedure.

Q288-7 (2022): Amendments of the Criminal code related to the implementation of Istanbul convention are adopted by the Parliament.
The new Strategy for Gender Equality 2022-2027 as a new key document was adopted in 2022.

Q288-8 (2022): New Law on civil procedure is in parliamentary procedure. According to the Strategy for the reforms in the judiciary sector 2017-2022 and new draft Strategy 2023-2027, new Law on obligations, Law on property and Law on inheritance will be prepared as part of the new Civil Code. New Criminal code and Law on criminal procedure are in the final stage of preparation. New Law on law on payment of monetary compensation to victims of crimes is adopted by the Parliament. New Strategy on strengthening of the capacities for conducting financial investigations and confiscation of property 2021-2023 was adopted by the Government. Law on Asset recovery Agency is in preparation in Ministry of justice. New Law on management of confiscated property was prepared in Ministry of justice and the draft law was sent to intergovernmental procedure.

Q288-9 (2022): Implementation of the new Law on mediation adopted in 2021.

Q288-10 (2022): National Strategy for Prevention of Corruption and Conflict of Interest 2021-2025

National Strategy for Combating Money Laundering and Financing of Terrorism 2021-2024

Strategy for Financial Investigations and Confiscation of Assets for the period 2021-2023

Q288-11 (2022): Action plan for implementation of Istanbul Convention - adopted by the Government and implemented in continuation.

Amendments to Criminal Code for implementation of Istanbul Convention - adopted by the Parliament (February 2023)

Law on victims compensation - Adopted by the Parliament (2022)

Law on Prevention and Protection from Violence against Women and Domestic Violence - adopted new by-laws by the Minister of justice for collecting data for domestic violence within courts and PPO (2022).

Q288-12 (2022): Implementation of the Strategy for ICT in judiciary sector is ongoing. ICT Council in the judiciary was established as a competent body for implementation of Strategy and process of digitalization. Government Plan for digitalization of the judiciary was adopted and implemented in continuation.

Serbia

Q288-1 (2022): Set of Judicial laws aligned with Constitutional Amendments (2022) : the adoption is planned for beginning of 2023 - Law on Judges, Law on Public Prosecutor's Offices, Law on High Judicial Council, Law on High Prosecutorial Council and Law on the Organization on Courts

Q288-3 (2022): Law on the Seats and Territorial Jurisdiction of Courts and Public Prosecutor's Office is to be amended in 2024.

Q288-5 (2022): Set of Judicial laws aligned with Constitutional Amendments (2022) : the adoption is planned for beginning of 2023 - Law on Judges, Law on Public Prosecutor's Offices, Law on High Judicial Council, Law on High Prosecutorial Council and Law on the Organization on Courts

Q288-6 (2022): Law on the Judicial Academy is to be amended during 2024

Q288-8 (2022): Process of amending of the Civil Procedure Code, Criminal Procedure Code and Criminal Code is ongoing.

Q288-10 (2022): Ministry of Justice is currently preparing new National Anti-Corruption Strategy (2023-2028) with accompanying Action plan

Q288-12 (2022): The implementation of the new centralized CMS in courts in Republic of Serbia is underway, it is planned to be completed by the end of 2024. Funds for the project were provided from IPA 2017 and the tender was conducted by the Delegation of the European Union in Serbia.

Kosovo*

Q288-1 (2022): Regarding prosecutorial system, there are several reform initiatives going on such as: Law on KPC (which was adopted by the Parliament but is currently in the Constitutional court); Law on State Prosecutor and Law on SPRK. In addition, the adoption of law on salaries and law on public officials affect the prosecutorial system a lot. Moreover, regarding the Judicial Council, Prosecutorial Council, presidents of courts and chief prosecutors a vetting process is in the process of legal drafting.

Q288-3 (2022): KPC through its Normative acts committee has drafted the Regulations on Functioning of KPC and State Prosecutor which will have an impact on structure and management. These 3 regulations have not yet been approved by KPC.

Q288-5 (2022): Law on KPC and Regulation as mentioned above.

Also vetting process as mentioned above.

Q288-8 (2022): New Criminal procedure code

Q288-11 (2022): National Strategy for Protection and Prevention of Domestic Violence and Violence against Women has been adopted in January 2022 and is valid until 2026. This Strategy has over 140 activities.

Annex 1

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Overview of Reforms

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