

ANSWERS**REPUBLIC OF MACEDONIA****Questionnaire
“The role of Court Presidents”****1. Selection, Removal, Term of office, Decision making process**

1.1 How many Presidents of first instance courts and how many Presidents of the court of appeal there are in your country?

There are 28 basic courts (Administrative Court is included in this total number of basic courts), 4 courts of appeal, High Administrative, the Supreme Court of the Republic of Macedonia and the Constitutional Court of the Republic of Macedonia. Each Court is run by a president.

1.2 Who appoints (e.g. Judicial council, Ministry of justice, Higher court, Parliament, Agency etc.) the Presidents of the courts? (Please remember, if applicable, to make a distinction between the presidents of the courts of first instance and of the courts of appeal, is it possible that presidents of the courts are appointed from other legal professionals than those who are already judges).

The judges and presidents of the courts of all instances shall be elected by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure defined by law. President of a court shall be elected from among the judges in the Republic of Macedonia, under the conditions, in the procedure and manner as when electing a judge in the respective court. The president of the court shall be elected for a period of four years, with the option to be re-elected to the same office for another four years. A judge who is assessed by the Judicial Council of the Republic of Macedonia with the highest positive mark in the last two years and has the most points compared to the other candidates, in accordance with the law, may be elected president of a court. Announcement for election of a president of a court shall be published by the Judicial Council of the Republic of Macedonia two months before the expiry of the term of office of the current president of a court. The Judicial Council of the Republic of Macedonia shall elect president of a court from among the candidates who meet the requirements within a period of two months at the most. The president of the court who is not re-elected in the

same office shall continue to work as a judge in the court where he/she has previously exercised the judicial function. Special requirements for election of a judge to the Administrative Court and to the Higher Administrative Court can also be a person who has a length of service of five years in legal matters within a state body with established results in the work or who is assessed with the highest positive mark in the last year, in accordance with the law, can be elected judge in the Administrative Court. A person who has a continuous length of service as a judge in court of appeal of at least six years at the moment of signing up for election and who is assessed by the Judicial Council with the highest mark in the last year and has the most points compared to the other candidates, in accordance with the law, or a judge in the Administrative Court or the Higher Administrative Court who is assessed by the Judicial Council of the Republic of Macedonia with the highest positive mark in the last year and has the most points compared to the other candidates, in accordance with the law, can be elected judge to the Supreme Court of the Republic of Macedonia.

According to the amendements of the Law on courts from 2013, a merit system has been fully introduced, that means that the judges in the first instance courts can be elected from among the graduated candidates of the Academy for judges and public prosecutors, only, the second instance judges from among the judges from the first instance judges with at least 4 yaers of experience as judges, and finally the judges in the Supreme court can be elected from among the judges from the Appellate courts with at least 6 years of experience as a judge in the Appellate court, that means that it is not possible to elect judges and consequently presidents with another legal backgrond (laywer, university proffessor, others..)

1.3 Do the Presidents get a “confidence vote” (after or before their appointment) from the other judges of the court?

No, the judges and presidents of the courts shall be elected by the Judicial Council of the Republic of Macedonia under the conditions and in the procedure defined by law.

1.4 Please describe briefly the selection procedure for Presidents of the courts.

The Judicial Council shall select the President of a court from among the candidates who have applied to the announcement for selection of a court President with two-thirds majority of votes from the total number of members of the Council having voting rights.(eventhough the minister is still a member of the Judicial council, he/ her does not have a voting right, according to the draft Constitutional amendements from 2015 introduced in order to meet the GRECO reccomendations from the 4 Round Evaluation, a new composition of the Judical council has been established, where the ex

officio members- the minister and the president of the Supreme court are excluded from the Council). The Council shall select the person for the position of a President who meets the requirements and criteria determined in the Law on Courts. President of a court shall be elected from among the judges in the Republic of Macedonia, under the conditions, in the procedure and manner as when electing a judge in the respective court. The president of the court shall be elected for a period of four years, with the option to be re-elected to the same office for another four years. A judge who is assessed by the Judicial Council of the Republic of Macedonia with the highest positive mark in the last two years and has the most points compared to the other candidates, in accordance with the law, may be elected president of a court. The candidate for president of the court shall attach a work program for the term of office along with the application and the other documents. Announcement for election of a president of a court shall be published by the Judicial Council of the Republic of Macedonia two months before the expiry of the term of office of the current president of a court. The Judicial Council of the Republic of Macedonia shall elect president of a court from among the candidates who meet the requirements within a period of two months at the most.

- 1.5 What kinds of qualifications (e.g. specific training, previous specific judicial position, seniority, managerial experience etc) are required to become President? (Please explain, for example, if training is mandatory or on a voluntary basis, is there training at all, and how much it affects the choice of the President).

**A person meeting the following requirements may be elected judge:
 - to be a citizen of the Republic of Macedonia, to actively use the Macedonian language, to have capability for work and to have good general health condition, which is assessed by medical check-ups, to be a law graduate who has completed a four year higher education in law with a minimum eight GPA or a law graduate who has 300 credits acquired according to the European Credit Transfer System (ECTS), with a minimum eight GPA in both cycles of university studies, or who holds a validated diploma for acquired 300 credits from a foreign faculty of law, to have passed the judicial exam in the Republic of Macedonia, to actively use one of the official languages of the European Union, mandatorily the English language, which is certified by one of the internationally recognized certificates, to work with computers, and to have reputation, integrity in the exercise of the judicial office and social skills for exercising the judicial office, for which integrity and psychological tests are conducted, and organized by the Judicial Council. In 2015 and 2016 all presidents have been appointed according to these novelties. Like the other judges, they are taking the position with the moment of giving an oath of office in front of the Judicial council that is a public event (with the presence of the media).**

Candidates do not have an obligation to submit a certificate for previous trainings completed. According to the new amendments of the Law on the courts, that will follow the draft Constitutional amendments (when adopted), in order to have presidents with good managerial skills, it is been foreseen that all candidates for the post of president of a court have to have a managerial exam passed that is to be organized by the Judicial council. The managerial exam will be composed of several thematic topics from the field of management and administration of the judiciary and judicial process, economy, finance, public procurement and general management, communication skills ect.

1.6 Are presidents selected among the judges of the same court, or they may or must have served in a different court before taking the position as court Presidents.

See above

1.7 The candidates who applied for the position and did not get it, can challenge the decision before a court/tribunal?

No.But, according to the draft Constitutional amendments, a new appellate procedure has been introduced aiming at implementing the GRECO recommendations from the 4 round evaluation.The candidates for judges and presidents can appeal the decision for the election/not election to the Constitutional court (that is foreseen for the decisions for promotion and in the disciplinary procedure, as well)

1.8 How often does it happen? (Please give a percentage based on data available or on your personal knowledge).

1.9 Is additional training in management, or in other subjects, required after the judge has been selected as court President?

According to the Law on the Academy, the presidents have a legal obligation to attend specialized training within the continuous training programme of the Academy for judges and prosecutors. These trainings are held by experts from the respective field (public procurement, budgetary process, time, case and stress management, human resources, ethics and conflict of interests, process of evaluation of judges, internal financial and external control etc. Also, according to the agreements of cooperation between the Academy and the other legal professional bars-Bar for the executive agents, notaries, the presidents can attend trainings organized by these organizations, as well trainings organized by the Judicial council, Judicial Budget Council trainings organized by other projects.Usually, the presidents are attending three of four trainings per year. They have an obligation to submit an annual certificate for

the classes attended in obligatory continuous training to the Judicial Council and that take part of their grade in the process of their annual evaluation.

- 1.10 What is term of office for the president of court (please explain if there are limitations)?

The president of the court shall be elected for a period of four years, with the option to be re-elected to the same office for another four years.

- 1.11 How many times the same position of court President can be hold by the same person?

Court president can hold the same position two time in the row. That, does not formally forbids him/her to run for a president again. There are no provisions for a cooling period. Like, as for the other judges, they have to submit a statement for conflict of interest and asset declaration when taking the position and when finishing the mandate to the State commission for prevention of corruption.

- 1.12 Which is the process to confirm Presidents in their position (e.g. assessment the first term served and then renewal)?

The procedure remains the same as for the first time. The president of the court has to apply and to be a subject of same procedure and scrutiny as other candidates.

- 1.13 Under which circumstance can Presidents be removed from their office before the expiration of their term?

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:
- abuse of the position and exceeding the official powers, unlawful and unintended use of court's funds, non-performance or delayed performance of the works of the court administration, influence on the independence of the judges related to adjudging in certain cases, cause serious disturbance in the court's relations that significantly affect the court's work, violation of the rules about case distribution, failure to achieve the work program, if the Judicial Council assesses the president of the court with a negative mark, in accordance with the law, and does not notify the Judicial Council about a serious disciplinary offence by a judge for which a procedure for disciplinary liability of a judge is initiated, in accordance with the Law on Courts.

By 1 March in the ongoing year at the latest, the president of the court shall be obliged to submit a report to the Judicial Council of the Republic of Macedonia concerning the implementation of the work program for the previous calendar year. In case of milder violation on the grounds the president of the court may be imposed a disciplinary measure.

1.14 Who is in charge of the removal procedure, and how it works?

Decision on dismissal of the judge/president shall be adopted by the Judicial Council of the Republic of Macedonia. The disciplinary procedure for the purpose of determining the disciplinary responsibility of a judge (hereinafter: disciplinary procedure), shall be initiated on a request of a member of the Council, the President of the court, the President of the higher court or by the general session of the Supreme Court of the Republic of Macedonia within a time period of six months as of the day when the violation has been discovered, but not longer than three years as of the day when the act has been committed. The disciplinary procedure shall be urgent and of confidential character, and shall be conducted without presence of the public and by respecting the reputation and dignity of the judge, wherefore in accordance with the regulations on protection of the personal data, the protection of the personal data of the judge shall be taken into consideration. Upon a request of the judge the Council shall decide to conduct the procedure with the presence of the public.

1.15 Can the President removed challenge the decision before a tribunal/court?

The president shall have to right to file an appeal, within a time period of eight days as of the day of acceptance of the decision, to the Council for decisions upon appeals of the Judicial Council, formed by the Supreme Court of the Republic of Macedonia, against the dismissal decisions or the imposed disciplinary measure.

According to new amenedements of the Law on juducial council, in line with the ECHR jurisprudence, and in order to fulfill the EC progress report and the GRECO reccmendations, a new disciplinary procedure has been introduced, where the functions of detecting the evidence, initiating the investigation and conducting the disciplinary procedure against a judge (and president of a court), will be splited among different organs (a new Council for initiation of an investigation has been established, and then the Judicial council will decide on the disciplinary violation.)

- 1.16 Are the decisions by the Presidents shared/negotiated with the other judges or "boards" within the courts?

Yes. The president works closely with the head of the departments and the deputy president. The deputy president is to be assigned by the president and he/her is substituting the president in a case of his/her absence and for the competences that are delegated by the president him/herself.

- 1.17 Do the local lawyers association or any other authority play a role in the decision making process carried out by the court's President?

No. But, the president have regular meetings with the presidents of the Bar association, the Notary bar, and the other in order to solve the daily problems as regard managing, improving the IT system and case management system in the court, managing of the court and the cases, improving the lawyer, s access to the files, improving the process of delivery of the posts etc. But, of course this proactive approach depends of the proactivity of the presidents and their openness to the public and the citizens in general.

- 1.18 Are the organizational decisions taken by the Presidents supervised by any other authority (e.g. Ministry of Justice, Judicial Council, Supreme Court, other)

Presidents of Courts are managing the courts in accordance with the Laws who regulate that matter. Regarding their decisions about the court organization if necessary , they are supervised by the Judicial Council and Judicial Budget Council. As regard the administration of the court buildings and equipment there is a supervisory role of the Ministry of justice. The Ministry of justice do no perform any budgetary control on the presidents of the court as regard the preparation, realization, supervising of the budgetary plan, that is the role of the Judicial budget council. Also, the presidents actively participate in the managing of the judicial budget through their participation in the State budget council (where the president of the Supreme court is a deputy president, the four appellate courts presidents are regular members, and every year three presidents of the basic court are rotating. The presidents have competence to make the assignment of judges by an annual work schedule of the court upon a previously obtained opinion from the session of judges, that is, from the general session of the Supreme Court of the Republic of Macedonia, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area. The judge who has not given consent to his/her assignment to the other department can appeal the decision of the president to the General Session of the Supreme court that can quash the decision of the president of the respected court. 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.

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. The temporary transfer of a judge shall be made by the Judicial Council of the Republic of Macedonia 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.

- 1.19 Is there any extra remuneration for Presidents, and how much is it in percentage of the regular judge's salary in the same court?

The amount of the salary of the judge shall be determined depending on:
 - he type of court, the specialized court division (the type of cases it acts upon), the internal duties in the court (president of a: court, division, department and council), the length of service as a judge, the scientific and professional titles and specialization, and the achieved results in the performance of the judicial office. The salary of the judge during the exercise of the judicial office cannot be decreased, except in the cases determined by law. The amount of the salary of the judge shall be defined so as to provide the judge protection against pressures and influences when acting and deciding. The salaries of the judges shall be divided in six groups expressed in coefficients. The distribution of the salaries shall be made according to the type of the court where the judge is employed, that is:

- the first group includes judges and presidents of courts with basic competence,
- the second group includes judges and presidents of courts with extended competence,
- the third group includes judges and presidents of the courts of appeal, and the judges in the specialized court department at the Basic Court Skopje 1 competent for trying in cases in the field of organized crime and corruption through the whole territory of the Republic of Macedonia,
- the fourth group includes judges and the president of the Administrative Court,
- the fifth group includes judges and the president of the Supreme Administrative Court and
- the sixth group includes judges and the president of the Supreme Court of the Republic of Macedonia.

The coefficients for determining the salary of the judges shall be from 2,8 to 3,7. The coefficients shall be determined according to the type of the court where the judge is employed, and according to the complexity of the duties and

authorizations for performing additional activities defined by law:

a) in the first group the coefficient shall be:

- **2,8 for a judge and**
- **3,0 for a court president;**

b) in the second group the coefficient shall be:

- **2,9 for a judge and**
- **3,2 for a court president;**

c) in the third group the coefficient shall be:

- **3,2 for a judge and**
- **3,5 for a court president;**

d) in the fourth group the coefficient shall be:

- **3,3 for a judge and**
- **3,6 for a court president;**

e) in the fifth group the coefficient shall be:

- **3,35 for a judge and**
- **3,65 for a court president and**

f) in the sixth group the coefficient shall be:

- **3,4 for a judge and**
- **3,7 for a court president.**

The coefficient of the salary of the president of a court where more than 50 judges are employed shall be 3,4.

The coefficient shall be **increased for 0,2** for a president of unit or department.

The coefficient shall be **increased for 0,1** for a president of council.

The salary of the judge per hour shall be increased due to:

- work longer than the full time working hours in the amount of **35%** and
- work during the holidays in the amount of **50%**.

The records of this kind of work shall be kept by the president of the court.

The judge shall have the right to salary supplement for:

- special working conditions,
- existence of a high risk, and
- confidentiality.

The salary supplements shall not be mutually exclusive.

The total amount of the supplements cannot be more than 35% of the basic salary of the judge.

1.20 Please add any critical issue or further information that you consider relevant for this section.

In my opinion more should be done in strengthening the managerial competences as regard the budgetary independence of the presidents of the courts towards the Ministry of finance that is the institution that have the final say in approving the budgetary and human resources that are to be allocated to each court.

2. Tasks, Functions, Relations

- 2.1 Are the Presidents of the courts adjudicating cases as the other judges or they have a reduction fixed by the law, or by practice, of their caseload?

President of the courts do not have to adjudicate cases. However, there are exceptions, the presidents of the first instance court are obliged to decide upon the case regarding the Law of execution and also if the number of judges is not sufficient in the particular court they can adjudicate cases. The presidents of the Appellate courts and of the Supreme court also participate in adjudicating cases. Namely, in accordance with the Law on management of case flow, the president of the court is obliged to follow the situation with the management of court cases, in particular:

- admission, opening and review of the written submissions, submissions, documents and data in an electronic form, the work of the court registry in view of the keeping of registers, formation of cases, submission of cases in progress, reallocation of cases, scheduling of hearings/appearance in court, undertaking of court activities outside of the court building, adoption, preparation and announcement of judgments, delivery of written submissions, delivery on cases on the basis of legal remedy, delivery of cases on the request of another court or a state body, referring to judges jurors, forensics, interpreters, translators and court experts, status of cases submitted for expertise, acting on cases related to international legal assistance, statuses of the functioning of the automated court case management information system for management of court cases, revival of cases and writs, implementation of judgments and other actions, archiving of cases, status of the charging of court fees, execution of criminal and misdemeanor judgments, timely keeping of records of the criminal database and the misdemeanor database.

The obligations are performed by the president of the court on daily basis and immediately through the monitoring of the database and the reviews of the obligations of the presidents of court departments, the judges, the court administrator, the responsible court administrators and each court administrator with regard to the timely fulfillment of their obligations for the management of court cases in the court. Unfortunately this new management system should be further improved in the practical implementation as all judges who should have additional managerial tasks do not get extra reduction of the regular number of case that they have to solve monthly and due to their daily regular work they can hardly find enough time to assist the president.

- 2.2 Are the Presidents involved in the selection and recruitment of the judges? (Please make a distinction, if applicable, between full-time/permanent judges, temporary judges, lay judges if it applies in your respective jurisdiction).

No.

2.3 Are the Presidents involved in the selection and recruitment of the court staff?

The courts shall plan the employment in the judicial service on the basis of the Planning Methodology stipulated in the Law on Public Service Employees, for the purposes of which the Judicial Administrator, or the President of the Court not having a judicial administrator elected, shall prepare an Annual Employment Plan for the judicial officers for the following calendar year. The judicial administrator, or the President of the Court not having a judicial administrator elected, shall submit the Plan for approval to the Court Budget Council the latest of 1st March, which, on the basis of received plans by the courts, shall prepare a universal Annual Employment Plan, to be submitted to the Ministry of Finance for approval, in line with its competencies, within a time period of two months.

2.4 Do the Presidents assess the work of the judges of the court? (If this the case, please describe how often does it happen, what kind of procedure is followed, what are the consequences of this assessment, and if the assessment can be challenged by the judges before a tribunal/court).

No.

2.5 Are the Presidents in charge of starting a disciplinary procedure against a judge? (If this is the case please describe briefly the procedure and who is going to make the final decision about the charge).

The president of the court shall be obliged to notify the Judicial Council of the Republic of Macedonia about the disciplinary offences within a period of eight days as of the day of committing the offence. The procedure is urgent and of confidential character and is conducted without presence of the public and with respect to the reputation and dignity of the judges and also respecting the regulations on protecting the personal data of the judges.

2.6 Can, and under which circumstances, the Presidents fire a judge or a court employee?

No. Decision on dismissal of the judge shall be adopted by the Judicial Council of the Republic of Macedonia. 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 and
- due to unprofessional and neglectful exercise of the judicial office under the conditions defined by law. As of the day of dismissal of the judge by the Judicial Council of the Republic of Macedonia, the judge's right to salary shall cease.

Yes, the President of the court can fire a court employee. The judicial officer shall be held personally accountable for performing the works and tasks on the job. On any violation of official duty, the judicial officer, except for the Judicial Administrator shall be subject to disciplinary measure. Termination of employment in cases of harmful outcome for the court, without the possibility to determine extenuating circumstances for the judicial officer acting as offender. In pronouncement of disciplinary measures, the following shall be taken into consideration: the severity of the violation, the consequences of violation, the degree of responsibility of the judicial officer, the circumstances under which the violation has been committed, former conduct and performance of tasks by the judicial officer, as well as other extenuating or aggravating circumstances pertinent to the pronouncement of the disciplinary measure.

The disciplinary measures against the judicial officer for disciplinary violation shall be pronounced by the Judicial Administrator, or the President of the Court not having a judicial administrator elected.

- 2.7 Which is the procedure in assigning cases to judges? Is there place for discretion of resident of the court in this procedure If yes, is it regulated by law or other kind of regulation.

Cases are assigned to judges randomly by automatic system. The President of the court can only decide to stop assignation of cases to particular time if there are justified reasons for such decision (i.e. sickness, judge is dealing with huge and complex cases etc.)

- 2.8 Can Presidents set priorities in the handling of the cases (e.g. family cases must be dealt with before contracts)?

The priorities are set up in the law. President are in position to set priorities as an order but can suggest to judges to pay more attention to some cases if circumstances justify such measure (i.e. old cases)

- 2.9 Which are the circumstances that may allow Presidents to retrieve cases from judges and re-assign them?

In general if judge is not in position to deal with the cases anymore. (i.e. transfer to other division, sick leave, etc.)

- 2.10 Do Presidents decide over the composition of court's sections/division and over the composition of judges' panel?

The president of the court shall define the schedule of the court's activities upon previously obtained opinion of the session of judges and the general session of the Supreme Court. The president of the court shall be substituted by a judge (deputy president), appointed by the president on the basis of the annual schedule for work, who in the last year is assessed with the highest positive mark and who has the most points compared to the other judges. Presidents of specialized court departments and their deputies, and presidents of court divisions and court councils shall be assigned from among the judges on the basis of the annual schedule for work by the president of the court, usually from among the most experienced and older judges.

2.11 Do Presidents select and appoint judges who may coordinate/head a section/division of the court?

YES it's one of the court president's duty by Law.

2.12 Can Presidents delegate their functions to other judges?

No.

2.13 Are Presidents supported in their tasks and by whom?

YES, by deputy president, heads of the divisions and court administrator.

2.14 Have Presidents any supervision on the judgments delivered by other judges of the court?

No. The cases that come before the court for decision shall be distributed among the judges according to the time of receipt of the case in the court, excluding any influence on the manner of distribution by the president of the court, the judge or the court administration.

2.15 Are Presidents in charge of the uniform application of the law within the court, and in which way they carry out this function?

The courts have separate divisions for uniform application of the law. According to the Annual schedule the president is appointing the president of that division or a judge who will be in charge for court practise.

2.16 Do Presidents set productivity and/or timeframes targets for their court?

There is a monthly norme that judges are obliged to fulfill. They also have to adopt a programme and action plan for solving the backlog, especially the methods to deal with the old cases. 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 of the Republic of Macedonia, taking into consideration the decision of the judge for specialization in criminal, civil, commercial, administrative or another legal area. By 1 March in the ongoing year at the latest, the president of the court shall be obliged to submit a report to the Judicial Council of the Republic of Macedonia concerning the implementation of the work program for the previous calendar year. At the session, the judges shall discuss issues of general significance for the work of the court, shall define the work program and shall give opinion regarding the annual schedule for the work of the judges, and shall discuss the annual report for the work of the court and the Judicial Council. The president of the court shall ensure the application of the Court Rulebook. The president of the court shall define the schedule of the court's activities upon previously obtained opinion of the session of judges and the general session of the Supreme Court. Official identification cards shall be issued by the president of the court to the court servants. The duty judge roster shall be defined by the president of the court for each month. The president of the Courts supervises the work of the court administration at least twice a year, the work of the notaries, and for this he prepares an official note. The president of the Court is obligated to submit reports to the presidents of the higher court regarding the issues related to courts work. The president of the court can establish commissions for preparing the analyses for certain legal matters and other matters regarding the courts' work. The president of the court, at the end of the year notifies the Minister for Justice for the work of the permanent judicial translators. The president of the court, on a judges session and the president of the higher court, separately, and joint, occasionally analyse the statistics of the work of the basic courts. The president of the higher court appoints on the weaknesses in the work of the court and gives suggestions for their removal. The president of the court, no later than 31st December of every year, adopts the annual report for the next year for the work of the court, upon previous opinion taken on the judges session, or on the General session of the Supreme court of the Republic of Macedonia.

2.17 Do Presidents set productivity or timeframes targets for each judge or court staff?

No.

2.18 Do Presidents monitor the length of judicial proceedings and what kind of actions they can undertake to improve the pace of litigation?

YES. They can set up priorities for certain types of cases. Worn judges who are dealing with cases outside of acceptable standards of duration and as ultimate

measure they can initiate disciplinary proceedings on the ground of poor or insufficient performance.

- 2.19 What are the functions of Presidents as far as the management of judges and court staff is concerned (i.e. setting working hours, authorize holidays, moving staff from one function to another, allow extra-judicial activities etc.)?

The president of the court shall organize the work and take measures for well-timed and duly execution of court's activities. The president of the court shall ensure the application of the Court Rulebook (such as working hours, authorizations of holidays, etc), shall define the schedule of the court's activities upon previously obtained opinion of the session of judges and the general session of the Supreme Court. The working hours of courts are set by Judicial Council, the president is authorizing holidays but in accordance with the Law.

- 2.20 Have Presidents any discretion in setting the remuneration (i.e. financial incentives) or other fringe benefits (please explain which one) of judges or court staff?

No.

- 2.21 Which tasks Presidents have in the appropriation of the court budget among the different courts?

The funds for operation of the courts are provided from the Court Budget, as a separate part of the Budget of the Republic of Macedonia, marked as "Judicial Power". The Judicial Budget Council is the only authoratative body. The presidents of each court submit a budgetary plan to the Judicial council for the upcoming year on the format prescribed by the Judicial Budget Council.

- 2.22 Which tasks and how much discretion Presidents have in the management of the court budget within the court?

The presidents are making the annual financial plan based on the court needs which has to be approved by the Judicial Budget Council. They are responsible for management and the legality of the realization of the budgetary plan. There are regular internal financial revisions performed by the office for internal financial control in the Judicial Budget Council, as well by the state body for revision. (State audit office of Republic of Macedonia). The results and the findings of the audit controls are communicated to the Judicial Budget Council and they are usually subject topics for seminars for the presidents. They organize public procurement procedures in the framework of each court, with exception to the procurement procedures that are undertaken on centralized manner by the Judicial Budget Council.

- 2.23 Do Presidents manage the court premises and layout?

YES.

2.24 Do Presidents manage information and communication technology implemented in the court?

Information technology center is established in the Supreme Court of the Republic of Macedonia, containing a database for the Court IT system, but the courts have IT services as separate organizational units. The president of the court or a judge appointed by him/her shall manage the center. The presidents have legal obligation to promote the IT awareness and IT culture, among judges and the judicial personnel. As well they need to promote the alternative case resolution and mediation among judges.

2.25 Do Presidents have some autonomy about what kind of information and communication technology tools/application should be implemented in their court?

The Ministry of Justice shall ensure implementation, maintenance and operation of the information technology system on a single methodological and technical base, but always in coordination and consultation of the presidents and according to the needs of the courts.

2.26 Are Presidents really the managers of the court or they are supported in their functions by a board (please describe the composition) or by a court manager/administrative director?

In general, presidents of courts are autonomous within the court, they represent the court, organize the work and take measures for well-timed and duly execution of court's activities, but they are helped by court administrator who is on rank as a head of the court administration.

2.27 If applicable, please briefly describe the functions and the background of the court manager in comparison to the President of the court?

The Judicial Administrator shall manage the judicial service, act as the responsible person for the completion and delivery of professional and administrative- technical matters of the court, perform activities within his/her scope of work as stipulated in this Law, the Court Rules of Procedure and other regulations and secondary legislation in the judicial administration, cooperate with the President of the Court in performing judicial administration matters within the scope of competencies of the President .

The management of court cases in the courts represents the undertaking of actions on the part of the president of the court, the court administrator, the judges and the court servants, from the day of admission of the written submissions in the court to the day of archiving of cases.

2.28 Please describe briefly the court manager selection process, if they serve for a limited term, and if the President can remove the court manager.

Court administrator is selected as any other clerk in the court after public announcement for vacant position. Their position has no limitation and yes, the president can remove the court administrator.

For filling the vacancy the candidate shall meet the following general requirements:

- **To be a citizen of the Republic of Macedonia,**
- **To actively engage the Macedonian language,**
- **To be an adult,**
- **To have a generally good health condition for the job and**
- **An effective decision has not been pronounced to ban performance of profession, activity or duty.**

In addition to meeting the general requirements the candidate should meet the following special requirements:

- **To have the necessary professional qualifications needed for the job,**
- **Have the adequate working experience, needed for the job,**
- **To have generic and specific job related competencies necessary for the job and**
- **Other requirements stipulated in the Jobs Systematization Act.**

The Employment Selection Procedure shall include administrative recruitment, exam for judicial officers, and examination of the validity of enclosed documentation and an interview, as well as a personality test.

2.29 Are Presidents the "interface" with the media, and are they trained to do it?

In practice, presidents of the courts tend to avoid such encounters. They rarely give interviews or participate in the TV debates ect. Each court has public relation person and they are trained for such duties. All presidents of courts take such trainings as well. Every court have established a office for communication with the media, but due to the budgetary constrains, only few spokespersons out from the professional jouranlists wer employed to serve as spokespersons (usually in the largest courts), but in the smaller courts the presidents are taking the position of a spokesperson or they can appoint a judge to take this role.

2.30 Would you please briefly describe what kind of relations there are between Presidents of the courts (first instance and appeal) and the President of the Supreme Court (court of last resort)?

The presidents of the courts are authonymous, the only difference is that the president of the Supreme court can, if there is a need for that, to maintain working meetings with the presidents of the appellate and basic courts

regarding the work of the courts, implementation of the Court Rulebook and other issues important for the judiciary.

2.31 Are there other tasks of Presidents of the courts in your country, which were not mentioned before?

No.

2.32 Please add any critical issue or further information that you consider relevant for this section.

No.

3. Accountability and discipline

3.1 What kind of accountability mechanisms (e.g. reporting, auditing, etc.) are in place for the Presidents, and before which authority (e.g. Judicial Council, Ministry of justice, Supreme Court, internal board etc...)?

Accountability of presidents of courts is structured as accountability of judges.

3.2 Do Presidents have a different disciplinary responsibility in comparison to the judges?

The procedure, its initiation, and the body to decide is the same. The only difference is the list of the disciplinary offences which can be committed only by a court president. Such violation is the non-performance or delayed performance of the works of the court administration, so the president of the court may be imposed a disciplinary measure.

3.3 Is there any special immunity for Presidents?

No.

3.4 Which criteria are used, how often, and by whom for the evaluation of Presidents?

The assessment of the Judicial Council regarding the work of President of the court can be positive or negative. While calculating the assessment of the work of the President of the court as a President of the court the results regarding the organization of the work of the court, timely and neatly exercise of the work of the court, application of the Judicial Rules of Procedure, the schedule of the work in the court, exercise of certain administrative, financial, operative, manipulative and auxiliary activities and tasks shall be taken in consideration,

and the President of the court shall be scored as a President of the court in accordance with the following:

- effectively organized work in respect with the functioning of the court up to 30 points,
- information of the public regarding the activity of the court up to 30 points,
- application of informatics technology up to 20 points, and
- financial operation of the court up to 20 points.

3.5 Which are the consequences of such evaluation (e.g. ranking, promotion, admonition, removal, salary increase, any consequence, etc.)?

Evaluation is important for judges career and for moving in to higher court. "A person who has a continuous length of service as a judge in a basic court of at least four years at the moment of signing up for election, who is assessed by the Judicial Council with the highest positive mark in the last year and has the most points compared to the other candidates in accordance with the law, or a judge of the Administrative Court or the Higher Administrative Court who is assessed by the Judicial Council with the highest positive mark in the last year and has the most points compared to the other candidates in accordance with the law, can be elected judge to an court of appeal, and a person who has continuous length of service as a judge in a court of appeal of at least six years at the moment of signing up for election, who is assessed by the Judicial Council with the highest positive mark in the last year and has the most points compared to the other candidates in accordance with the law, or a judge of the Administrative Court or the Higher Administrative Court who is assessed by the Judicial Council with the highest positive mark in the last year and has the most points compared to the other candidates in accordance with the law, can be elected judges to the Supreme Court of the Republic of Macedonia

3.6 Please add any critical issue or further information that you consider relevant for this section.

4. Appointment, tasks, functions, relations of the President of the Supreme Court (Chief Justice of the court of last resort e.g. court of cassation, please note that you do not have to describe the position of President of the Constitutional court /here and after referred as president of supreme court).

4.1 Who appoints (e.g. Judicial council, Ministry of justice, Parliament, etc.) the President of Supreme Court?

The Judicial Council of the Republic of Macedonia

4.2 Please describe briefly the selection procedure.

Selection procedure for the president of the Supreme Court is the same as selection procedure for selecting any other president of the court. When the Council selects a president or a judge of the Supreme Court, it will discuss and decide at a session, attended by at least two thirds of the total number of members of the Council having voting rights, and there should be majority of the votes of the attending members that belong to the communities that are not majority in the Republic of Macedonia. The president of the SC is a member of the Judicial Council, member of the managing board of the Academy for judges and prosecutors, deputy president of the Judicial Budget Council, and a member of the Commission for verification the questions for the bar exam, notary exam, exam for the executive agents.

- 4.3 What kind of qualifications (e.g. specific training in management, previous specific judicial position, seniority, etc) are required to become President of the Supreme Court ? (Please also explain if training is mandatory or on a voluntary basis, if any training is necessary at all, and how much it affects the choice of the President).

A person who has a continuous length of service as a judge in court of appeal of at least six years at the moment of signing up for election and who is assessed by the Judicial Council of the Republic of Macedonia with the highest mark in the last year and has the most points compared to the other candidates, in accordance with the law, or a judge in the Administrative Court or the Higher Administrative Court who is assessed by the Judicial Council of the Republic of Macedonia with the highest positive mark in the last year and has the most points compared to the other candidates, in accordance with the law, can be elected judge to the Supreme Court of the Republic of Macedonia.

- 4.3 Does the President get a “confidence vote” (after or before their appointment) from the other judges of the Supreme Court.

No.

- 4.4 How long is term of office of the president of Supreme Court (please explain if there are limitations)?

Four years.

- 4.5 Can their mandate be renewed, and what is the process (e.g. evaluation of the first term served and then renewal)?

Yes, their mandate can be renewed for another four years.

- 4.6 What are the tasks and functions of the President of Supreme Court in comparison to the other courts' Presidents? (In particular, please explain the role of the President, if any, in relation to: Judicial Council, Ministry of justice, legislative power, budget of the judiciary).

The president of the SC represents the Court in communication and relations with other legal and natural persons and is responsible for all the task stipulated in Law on Courts, Court Rulebook, etc. The president of SC is also responsible for upgrading the automated court case management system and he/she is responsible for the working body for standardization of the procedure in the Courts. The President of the Supreme Court of the Republic of Macedonia decides upon the request for access to database of enforceable and non-enforceable court judgments with integral texts without anonimization of data of the parties and other participants in the procedure in the frame of the automated court case management information system within 7 days from the day of admission of the request.

The president of the SC calls the General session, by own initiative and by conclusion at a General session.

Initiative for this General session can be submitted by the judges session, the presidents of judicial departments, judicial councils and the presidents of the appellate or a basic court.

- 4.7 Please add any critical issue or further information that you consider relevant for this section.

- No.

Mrs. Aneta Arnaudovska LL.M
Director of the Academy for Judges and Public Prosecutors of the Republic of Macedonia