



CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Replies issued by
the Hellenic Supreme Court on Civil and Penal Law
on the Questionnaire for the preparation of the CCJE Opinion No. 19 (2016):
“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 sixty-three (63) Courts of First Instance and fourteen (14) Courts of Appeal with three hundred (300) presidents of First Instance Courts and one hundred and fifteen (115) Presidents of the Courts of Appeal serving. Each court is administrated by its senior judge, with the exception of three major Courts of First Instance and three major Courts of Appeal, which are directed by a three-member council elected from the judges of the court themselves.
- 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?)
All Presidents of First Instance Courts and Presidents of Courts of Appeal are appointed by the Supreme Judicial Council. They are judges in active employment and they do not come from other legal professions.
- 1.3 Do the presidents get a “confidence vote” (after or before their appointment) from the other judges of the court?
They do not receive a “confidence vote” from the other judges of the court.

- 1.4 Please describe briefly the selection procedure for presidents of the courts.
They are assessed by the Supreme Judicial Council following a relevant question by the Minister of Justice.
- 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).
Seniority, judicial service, any disciplinary report are taken into account.
- 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 president?
Each court is administrated by its senior judge, with the exception of three major Courts of First Instance and three major Courts of Appeal, which are administrated by a three-member council elected from the judges of the court themselves. Court presidents may have served in a different court.
- 1.7 Can the candidates, who applied for the position but did not get it, challenge the decision before a court/tribunal?
Judges do not apply for a position. Each court is directed by its senior judge, with the exception of three major Courts of First Instance and three major Courts of Appeal, which are directed by a three-member council elected from the judges of the court themselves. If they are omitted from being promoted to Court President, they have the right to appeal to the Plenary of the Supreme Court.
- 1.8 How often does it happen? (Please give a percentage based on data available or on your personal knowledge).
It is not customary. The percentage is 0,02% - 0,1%, i.e. there have been filed 1-4 appeals in the last three years.
- 1.9 Is additional training in management, or in other subjects, required after the judge has been selected as court president?
No, it is not required.
- 1.10 What is term of office for the president of court (please explain if there are limitations)?
There is no limit in the term of office for the president of a court.
- 1.11 How many times the same position of court president can be held by the same person?
It can be held once in each rank of jurisdiction.
- 1.12 Which is the process to confirm presidents in their position (e.g. assessment of the first term served and then renewal)?
A relevant assessment is performed for each rank of jurisdiction.
- 1.13 Under which circumstances can presidents be removed from their office before the expiration of their term?
Presidents can be removed from their office if they retire, they quit or they are deposed by the Plenary of the Supreme Court due to disciplinary reasons.

- 1.14 Who is in charge of the removal procedure, and how it works?
Depositions are made by the Plenary of the Supreme Court.
- 1.15 Can the president removed challenge the decision before a tribunal/court?
Repositioning can be challenged before the Plenary of the Supreme Court. Deposition cannot be challenged. Only if new evidence is presented, there can be repetition of the procedure.
- 1.16 Are the decisions by the presidents shared/negotiated with the other judges or "boards" within the courts?
In multi-member boards, the decision is collective.
- 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, they do not.
- 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 decide on matters of their court. In big courts there are three-member councils which are elected among the judges themselves. The Minister of Justice decides on certain issues of his jurisdiction such as financing of the courts.
- 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?
There is not an extra remuneration.
- 1.20 Please add any critical issue or further information that you consider relevant for this section.
None.

2. Tasks, functions, relations

- 2.1 Are the presidents of the courts adjudicating cases as the other judges or they have a reduction of their caseload fixed by the law or by practice?
Presidents of courts have a reduction of caseload fixed by practice because they also exercise administrative duties.
- 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, they are not involved.
- 2.3 Are the presidents involved in the selection and recruitment of the court staff?
No, they have no such jurisdiction.
- 2.4 Do the presidents assess the work of the judges of the court? (If this is 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, they have no such jurisdiction, unless they are Inspectors of Courts (judges of the Supreme Court). The evaluation report can be challenged before the Court Inspection Council.

- 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).
Presidents of Courts of Appeal have the jurisdiction to start a disciplinary procedure against a judge. A relative disciplinary investigation is conducted and the Head of the Inspection Department of the Courts (Vice-President of the Supreme Court) decides accordingly. The Inspection Councils of the Supreme Court make the final judgment.
- 2.6 Can, and under which circumstances, the presidents fire a judge or a court employee?
No, they have no such jurisdiction.
- 2.7 Which is the procedure of assigning cases to judges? Is there place for discretion of president of the court in this procedure? If yes, is it regulated by law or other kind of regulation?
Regarding the penal cases in major courts, cases are assigned by drawing lots. The same applies in cases of interim measures. Otherwise the president assigns the cases to the court judges.
- 2.8 Can presidents set priorities in the handling of the cases (e.g. family cases must be dealt with before contracts)?
The law dictates priority to labour cases, interim measures, etc, and there is a short deadline to issue a ruling.
- 2.9 Which are the circumstances that may allow presidents to retrieve cases from judges and re-assign them?
When a judge, due to health reasons, cannot issue a ruling or delays for a period over eight (8) months, then the case can be re-assigned to another judge.
- 2.10 Do presidents decide over the composition of court's sections/division and over the composition of judges' panel?
Regarding the penal cases in major courts, cases are assigned by drawing lots. The same applies in cases of interim measures. Otherwise the president assigns the cases to the court judges. Court boards are determined by the court president and his decision is validated by the Plenary of the court.
- 2.11 Do presidents select and appoint judges who may coordinate/head a section/division of the court?
Yes, they do.
- 2.12 Can presidents delegate their functions to other judges?
No, they cannot, unless they are impeded.
- 2.13 Are presidents supported in their tasks and by whom?
No, they are not.

- 2.14 Have presidents any supervision on the judgments delivered by other judges of the court?
No, they have not.
- 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 Supreme Court rulings must be considered, and especially rulings provided by the Plenary. This mainly concerns Appeal Courts.
- 2.16 Do presidents set productivity and/or timeframes targets for their court?
No, they do not. However, they care for timeliness.
- 2.17 Do presidents set productivity or timeframes targets for each judge or court staff?
No, they do not.
- 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 do, as far as possible. Nevertheless, it depends on the nature of the cases.
- 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, authorising holidays, moving staff from one function to another, allowing extra-judicial activities etc.)?
Court hours are set by law. Working hours and holidays are also determined by law. Staff movement can be made for administrative reasons.
- 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, they do not have.
- 2.21 Which tasks presidents have in the appropriation of the court budget among the different courts?
They do not have such duties.
- 2.22 Which tasks and how much discretion presidents have in the management of the court budget within the court?
They can ask for expenses from the competent Ministry and allocate it according to the needs of the service.
- 2.23 Do presidents manage the court premises and layout?
Yes, they do, as far as possible.
- 2.24 Do presidents manage information and communication technology implemented in the court?
Yes, they cooperate with the specialised personnel.
- 2.25 Do presidents have some autonomy about what kind of information and communication technology tools/application should be implemented in their court?
Not in general. They ask for specific tools/applications from the respective departments in the Ministry of Justice.

- 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?
They are the mainly responsible. There is not a board or a court manager or an administrative director, but the Head of the Secretariat of the Court. Only in the major courts (in Athens, Thessaloniki and Piraeus) there are elected three-member councils.
- 2.27 If applicable, please briefly describe the functions and the background of the court manager in comparison to the president of the court.
There is cooperation between the president of the court and the Head of the Secretariat on specific issues regarding the service.
- 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.
The Head of the Secretariat is appointed for infinite period by the appropriate Council of the Supreme Court.
- 2.29 Are presidents the "interface" with the media, and are they trained to do it?
Theoretically, they are. However, in practice they are not and they are not trained to do it.
- 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)?
Presidents of the courts share a relationship of cooperation with the President of the Supreme Court on service matters. There is also a relation of service seniority.
- 2.31 Are there other tasks of presidents of the courts in your country, which were not mentioned before?
No, there are not.
- 2.32 Please add any critical issue or further information that you consider relevant for this section.
None.

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.)?
Presidents are accountable to the Supreme Courts and their Councils, to which they refer to for any disciplinary liability.
- 3.2 Do presidents have a different disciplinary responsibility in comparison to the judges?
No, they do not have.
- 3.3 Is there any special immunity for presidents?
No, there is not any.

- 3.4 Which criteria are used for the evaluation of presidents, how often, and by whom?
Presidents of Courts of Appeal are not evaluated; their junior judges are evaluated in the same way as other judges (performance, ethics, discipline, efficiency, participation in seminars, foreign languages, studies, etc) from the competent Supreme Court Inspectors.
- 3.5 Which are the consequences of such evaluation (e.g. ranking, promotion, admonition, removal, salary increase, any other consequence, etc.)?
Evaluation is considered regarding their promotion.
- 3.6 Please add any critical issue or further information that you consider relevant for this section.
None.

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 the Supreme Court).

- 4.1 Who appoints (e.g. Judicial Council, Ministry of Justice, Parliament, etc.) the president of the Supreme Court?
The Cabinet of Ministers.
- 4.2 Please describe briefly the selection procedure.
When there is a vacancy, a hearing of the candidates is held before the Conference of the Presidents of the Hellenic Parliament in order to express an opinion, and the Cabinet of Ministers decides upon the proposition of the Minister of Justice.
- 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).
Special qualifications are required (training, excellent judicial service, administrative ability, etc) without having a crucial pre-requisite.
- 4.4 Does the president get a “confidence vote” (after or before their appointment) from other judges of the Supreme Court?
No, s/he does not.
- 4.5 How long is term of office of the president of the Supreme Court (please explain if there are limitations)?
Up to four (4) years.
- 4.6 Can their mandate be renewed, and what is the process (e.g. evaluation of the first term served and then renewal)?
No, their mandate cannot be renewed.

- 4.7 What are the tasks and functions of the president of the 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 Supreme Court presides the Supreme Judicial Council and the Plenary of the Supreme Court, and s/he performs the overall duties of the president.

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

None.