

Questionnaire for the Preparation of Regulation No. 19 (2016) of the
Consultative Council of European Judges (CCEJ):
“Role of Presidents of the Court”

Answers to questions

1.2. Who appoints presidents of the court? (for instance, Council of the Magistracy, Ministry of Justice, Supreme Court, Parliament, agency, etc.) (If necessary, specify differences between presidents of the court of the first instance and presidents of the court of appeal). Is it possible for the president of the court not to be a judge and have other legal professions?)

1.4 Please briefly specify how presidents of the court are selected.

Presidents of supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, military courts are appointed by the President of the Russian Federation for six years upon the recommendation of the Chief Justice of the Russian Federation provided that there is a favorable conclusion of the Higher Qualification Board of Judges of the Russian Federation (Clause 6 of Article 6.1 of Law No. 3132-1 as of June 26, 1992 of the Russian Federation (as revised on November 28, 2015, as amended on December 29, 2015) “On the Status of Judges in the Russian Federation” (hereinafter referred to as “the Law on the Status of Judges”).)

Presidents of district commercial courts, commercial courts of appeal, commercial courts of the constituent entities of the Russian Federation, specialized commercial courts are appointed by the President of the Russian Federation for six years upon the recommendation of the Chief Justice of the Russian Federation provided that there is a favorable conclusion of the Higher Qualification Board of Judges of the Russian Federation (Clause 7 of Article 6.1 of the Law on the Status of Judges).

Presidents of district courts are appointed by the President of the Russian Federation for six years upon the recommendation of the Chief Justice of the Russian Federation provided that there is a favorable conclusion of the relevant qualification boards of judges of the constituent entities of the Russian Federation (Clause 8 of Article 6.1 of the Law on the Status of Judges).

The Chief Justice of the Russian Federation makes recommendations to the President of the Russian Federation no later than two months prior to the expiration of the term of office of the president of the relevant court, and if the term of office of the specified persons is early terminated, then no later than within three months since the vacancy was opened.

1.3. Do presidents of the court receive “a vote of confidence” (prior to or after their appointment) from other court judges?

Pursuant to Article 5 of the Law on the Status of Judges, candidates are selected for the position of judge in the Russian Federation on a competitive basis.

The president of the court where the position of judge is vacant informs the relevant qualification board of judges of it no later than 10 days after the vacancy was opened.

The qualification board of judges publishes information that the vacancy was opened in mass media indicating the time and place where applications of candidates for the position of judge are received, and the time and place where the said applications are considered, no later than within 10 days after receiving a message from the president of the court.

Examination boards that conduct a qualification examination for the position of judge are created in order to establish that a candidate for this position possesses theoretical knowledge, practical skills and attainments in law enforcement which are required for a judge of a court of a special type, system and level.

The order of creating examination boards, their powers and the procedure for conducting the qualification examination for the position of judge are established by Federal Law No. 30-FZ as of March 14, 2002 “On the Bodies of the Judicial Community in the Russian Federation” (hereinafter referred to as “the Law on the Bodies of the Judicial Community”).

Pursuant to the Law on the Bodies of the Judicial Community, the Higher Examination Board that conducts the qualification examination for the position of judge (it conducts qualification examinations of candidates for the position of judge provided that the conclusion to recommend a candidate to this position is within the powers of the Higher Qualification Board of Judges of the Russian Federation) and examination boards of the constituent entities of the Russian Federation that conduct the qualification examination for the position of judge (they conduct qualification examinations of candidates for the position of judge provided that the conclusion to recommend a candidate to this position is within the powers of a qualification board of judges of a constituent entity of the Russian Federation), exist in the Russian Federation.

Any citizen of the Russian Federation who reached the age established by the Law on the Status of Judges, has higher legal education, necessary work experience in a legal profession and who does not have any diseases that prevent him from being appointed as a judge, can pass the qualification examination for the position of judge by applying to the relevant examination board.

Aside from judges, examination boards also include teachers of law from institutions of higher education and scholars who possess a Candidate of Juridical Science degree or a Doctor of Juridical Science degree, as well as representatives of all-Russian public lawyer associations (Article 11 of the Law on the Bodies of the Judicial Community).

On passing the qualification examination, a citizen who meets the requirements to the candidate for the position of judge which are established by the Law on the Status of Judges, may apply to the relevant qualification board of judges for the recommendation to the vacant position of judge.

The President of the Russian Federation appoints candidates for the positions of judges of federal courts only if there is a favorable conclusion of the relevant qualification board of judges.

Pursuant to Clause 1 of Article 11 of the Law on the Bodies of the Judicial Community, members of the public and representatives of the President of the Russian Federation are also included in qualification boards of judges, aside from federal court judges and court judges of the constituent entities of the Russian Federation.

1.4. What qualifications (for instance, professional education, previous particular legal position, age, work experience, etc.) are required to become the president of the court? (Please explain if education is obligatory or optional, if any, and what impact does it have on the selection of the president of the court).

A citizen of the Russian Federation who has higher legal education majoring in Jurisprudence or higher legal education majoring in Jurisprudence of a master's qualification (degree) provided that he also has a bachelor's degree majoring in Jurisprudence, can become a judge or the president of the court.

A citizen who reached the age of 30 and possesses works experience in law of no less than 7 years can become a judge of a supreme court of a republic, territorial, regional court, federal city court, autonomous region court, autonomous area court, district (naval) military court, district commercial court, commercial court of appeal, specialized commercial court.

A citizen who reached the age of 25 and possesses works experience in law of no less than 5 years (Article 4 of the Law of the Status of Judges) can become a judge of a commercial court of a constituent entity of the Russian Federation, constitutional (statutory) court of a constituent entity of the Russian Federation, district court, garrison military court, or a magistrate.

1.5. Are presidents of the court selected from among the judges of that court? Can they or should they have work experience in another court before being appointed as the president of the court?

Pursuant to Clause 8 of Article 5 of the Law on the Status of Judges, a qualification board of judges adopts a decision to recommend one or several candidates to the position of judge based on the results of processing applications of all citizens who aspire to this position, on the results of verifying the authenticity of required documents and information and with due consideration for the results of the qualification examination.

The order of granting powers to presidents of the court and deputy presidents of the court and terminating such powers is directly established by Article 6.1 of the Law on the Status of Judges.

1.7. Can candidates who applied, but were refused, appeal this decision in court?

Decisions of qualification boards of judges of the constituent entities of the Russian Federation *on the refusal to recommend to the position of judge, including to the position of president of the court* may be appealed in relevant supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts.

Decisions of the Higher Qualification Board of Judges of the Russian Federation *on the refusal to recommend to the position of judge, including to the position of president of the court* may be appealed in the Supreme Court of the Russian Federation (Article 26 of the Law on the Bodies of the Judicial Community)

1.10. What is the term of office of the president of the court (Please specify if there are any limitations)?

Presidents of supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, military courts, district commercial courts, commercial courts of appeal, commercial courts of the constituent entities of the Russian Federation, specialized commercial courts, district courts are appointed by the President of the Russian Federation for six years.

1.11. How many times a person can occupy the same position of president of the court?

The same person may be appointed to the position of president (deputy president) of the same court an unlimited number of times, but no more than twice in succession, unless otherwise established by the relevant federal constitutional law (Article 6.1 of the Law on the Status of Judges).

When the powers of the president of a supreme court of a republic, territorial, regional court, federal city court, autonomous region court, autonomous area court are expired, he may be appointed to the position of president of the same court for a new term (Article 29 of Federal Constitutional Law No. 1-FKZ as of February 7, 2011 (as revised on July 21, 2014 “On General Jurisdiction Courts in the Russian Federation” (hereinafter referred to as “the Law on General Jurisdiction Courts”).

1.12. What is the procedure for renewing the term of office of the president of the court (for instance, analysis of the duration of the first term of office prior renewing it)?

Pursuant to Clauses 11, 14 of Article 6¹ of the Law on the Status of Judges, presidents of the court lose their powers upon expiry of the term for which they were granted.

The same person may be appointed to the position of president (deputy president) of the same court an unlimited number of times, but no more than twice in succession, unless otherwise established by the relevant federal constitutional law.

1.13. How can presidents of the court lose their powers prior to the expiration of their terms of office?

Presidents of the court lose their powers upon expiry of the term for which they were granted. When their powers are expired, presidents of the court retain the powers of a court judge where they served as presidents or deputy presidents of the court. The powers of presidents of the court are suspended or terminated if the powers of the said persons who served as judges in the relevant courts are expired (Article 6.1 of the Law on the Status of Judges).

1.14. Who initiates the procedure for revoking the powers and how is this procedure carried out?

The powers of the president of the court may be early terminated by a decision of the relevant qualification board of judges due to the president of the court's non-performance or improper performance of his official duties established by federal constitutional laws and by this Law (Article 6.1 of the Law on the Status of Judges).

1.15. Can the president of the court whose powers were revoked appeal this decision in court?

The president of a district court may appeal the decision to early terminate his powers in the Higher Qualification Board of Judges of the Russian Federation within 10 days after receiving a copy of the said decision. The president of another federal court may appeal the decision to early terminate his powers in the Supreme Court of the Russian Federation within 10 days after receiving a copy of the said decision. A decision of the Higher Qualification Board of Judges of the Russian Federation may be appealed in the Supreme Court of the Russian Federation within the same time period (Article 6.1 of the Law on the Status of Judges).

1.17. Does a local lawyer association or other government authorities play a role in the decision-making process of the president of the court?

1.18. Does another government authority (for instance, Ministry of Justice, Council of the Magistracy, Supreme Court, etc.) consider court organization related decisions adopted by the president of the court?

The judicial power is self-sufficient and acts independently of the legislative and executive powers (Article 1 of the Law on the Status of Judges).

The federal legislator assigned the court organization functions to the president of the court (Articles 29 and 35 of the Law on General Jurisdiction Courts, Article 6.2 of the Law on the Status of Judges in the Russian Federation, Articles 32, 33.9, 42 of Federal Constitutional Law No. 1-FKZ as of April 28, 1995 “On Commercial Courts of the Russian Federation” (hereinafter referred to as “the Law on Commercial Courts”).

Decisions (decrees and orders) adopted (signed) by the president of the court are not considered by other government authorities.

1.19. Is there an additional fee paid to presidents of the court, and what is its percentage ratio to a judge’s fee in the same court?

As presidents of the court in the Russian Federation are judges who, aside from their procedural powers, discharge other functions established by the federal laws for presidents of the court, their labor is remunerated in accordance with the Law on the Status of Judges.

The peculiarities of the judges’ financial standing are established by Article 19 of the Law on the Status of Judges. Pursuant to the specified provision, a judge’s monthly monetary remuneration consists of a monthly salary in accordance with a judge’s position, a judge’s monthly salary in accordance with his qualification class, a monthly monetary reward, a monthly seniority payment, monthly additional payments for a Candidate of Juridical Science degree or a Doctor of Juridical Science degree, for an academic title of Associate Professor or Professor, for an honorary title of “Honored Lawyer of the Russian Federation”, as well as where provided for by the laws of the Russian Federation, a monthly additional payment for second-language skills and for their use in the course of performing his official duties. A judge is paid a monthly monetary reward in accordance with his position that is not part of his monthly monetary remuneration.

Pursuant to the federal laws and other regulations of the Russian Federation, judges receive other payments that are not part of a judge’s monthly monetary remuneration.

For instance, where provided for by the laws of the Russian Federation, the following are added to a judge’s monthly remuneration, a judge’s monthly monetary reward and other payments provided for the relevant federal laws and

other regulations of the Russian Federation: a regional coefficient, a coefficient for working in high-mountain areas and a rated increase for working in areas of the Extreme North and equated localities, in southern areas of the Eastern Siberia and the Far East, in the amounts calculated with account for the amounts of such coefficients and rated increases established by the relevant regulations of the Russian Federation. Within the limits of the established labor compensation fund, judges may be paid bonuses and provided with financial assistance in accordance with the procedure established by acts of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation for judges of the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation, respectively, and acts of the Judicial Department under the Supreme Court of the Russian Federation as agreed upon with the Council of Judges of the Russian Federation for judges of general jurisdiction courts and commercial courts.

There are no other additional payments, except for the ones provided for by the current laws, made to judges, including judges acting as presidents of the court.

2.1. Do presidents of the court distribute cases the same way as other judges or do they have any discounts on their workload established by law or practice?

In order to improve the work on ensuring that procedural documents are impartially and proportionately distributed and that persons who are interested in the outcome of court proceedings cannot influence a composition of the court, the distribution of cases are carried with the use of a computerized information system in almost every court.

Presidents of the court, as well as other judges, hear cases as in accordance with the current laws the president of the court is a judge and he exercises procedural powers (Articles 29 and 35 of the Law of General Jurisdictions Courts, Article 6.2 of the Law on the Status of Judges in the Russian Federation, Articles 32, 33.9, 42 of the Law of Commercial Courts).

2.2 Do presidents of the court participate in selecting and appointing judges? (If necessary, specify the differences between full-time/permanent judges, part-time judges, lay judges, if such positions exist in your country).

Judges of district commercial courts, specialized commercial courts, federal general jurisdiction courts and commercial courts are appointed by the President of the Russian Federation upon the recommendation of the Chief Justice of the Russian Federation that is sent to the President of the Russian Federation no later than 30 days *after receiving the recommendation to appoint the recommended person to the position of judge from the president of the court of the relevant court* (Article 6 of the Law on the Status of Judges).

Pursuant to Sub-clause 7 of Clause 6 of Article 5 of the Laws on the Status of Judges, on passing the qualification examination, a citizen that meets the requirements to the candidate to the position of judge provided by this Law, may submit to the relevant qualification board of judges an application with his recommendation to the vacant position of judge. Aside from the specified application, he also submits references from places of work (service) for the past five years of work (service) experience.

Therefore, if a citizen who is the president of that court is appointed to the position of judge, he is to receive a service certificate.

Furthermore, pursuant to Clause 9 of Article 5 of the Law on the Status of Judges, the decision of a qualification board of judges to recommend the candidate to the position of judge is sent to the president of the relevant court within 10 days after its adoption. If the president of the court gives consent to the specified decision, he recommends the recommended person to the position of judge within 20 days after receiving the specified recommendation to the position of judge in accordance with the established procedure.

If the president of the court does not give consent to the decision of the qualification board of judges, he returns it with well-reasoned grounds for his refusal to the same qualification board of judges within 20 days after receiving it for reconsideration.

If when considering the decision appealed by the president of the court, the qualification board of judges confirms its initial decision by a two-thirds vote of the board members, then the president of the court is obliged to recommend the recommended persons to the position of judge within 10 days after receiving the specified decision.

A judge performs his duties in accordance with the order regulated by Article 7¹ of the Law on the Status of Judges.

2.3. Do presidents of the court participate in selecting and appointing court staff?

The president of the court provides the general management of the court administration, *including appointing court officers to and discharging from positions*, as well as delegates responsibilities among them, adopts decisions on granting bonuses to court officers or holding them disciplinary liable, organizes the provision of additional education to court officers (Article 6.2 of the Law on the Status of Judges).

2.5. Do presidents of the court carry out a disciplinary procedure against a judge? (If yes, please describe the procedure and a person or authority that adopts the final decision).

A decision to impose a disciplinary penalty upon a judge is adopted by the qualification board of judges, which is within its powers to handle a matter on

terminating the powers of this judge at the moment when such decision is made, and this decision may be appealed in court in accordance with the procedure established by federal law. The decision to early terminate the powers of a judge adopted by a qualification board of judges may be appealed in the Disciplinary Board of the Supreme Court of the Russian Federation (Article 12.1 of the Law on the Status of Judges).

A recommendation of the president of the court of the relevant or higher court or an application of a body of the judicial community on an early termination of the powers of a judge due to a disciplinary offence committed by him, shall be considered by a qualification board of judges provided that the submitted materials contain information that confirms the circumstances of the offence and information that characterizes the judge (Article 22 of the Law on the Bodies of the Judicial Community).

2.6. Can presidents of the court recall a judge or officer of the court and under which circumstances?

As it was mentioned above, the president of the court provides the general management of the court administration, *including appointing court officers to and discharging from positions*, as well as delegates responsibilities among them, adopts decisions on granting bonuses to court officers or holding them disciplinary liable, organizes the provision of additional education to court officers (Article 6.2 of the Law on the Status of Judges).

2.7. How are cases assigned to judges? Does the president of the court possess a discretionary power in this procedure? If yes, is this power established by law or other instructions?

A composition of the court is formed with account for a workload and specializations of judges in the manner that precludes persons who are interested in the outcome of court proceedings from influencing the composition of the court, including with the use of the computerized information system (Article 28 of the Code of Administrative Court Procedure of the Russian Federation (hereinafter referred to as “the CACP”), Article 14 of the Civil Procedure Code of the Russian Federation (hereinafter referred to as “the CPC”), Article 18 of the Code of Commercial Procedure of the Russian Federation (hereinafter referred to as “the CCP”).

A court jointly or a judge individually handles criminal cases. A composition of the court is formed for hearing a specific case with account for a workload and specializations of judges in the manner that precludes persons who are interested in the outcome of court proceedings from influencing the composition of the court, including with the use of the computerized information system (Article 30 of the Criminal Procedure Code of the Russian Federation (hereinafter referred to as “the CrPC”).

2.9. Under what circumstances can presidents of the court transfer cases from one judge to another?

A judge or a composition of the court which started hearing an administrative case should complete hearing the case. A replacement of a judge or several judges is possible in cases of self-disqualification or disqualification of a judge that is declared and approved in accordance with the procedure established by the Code; in case of a long-term absence of a judge due to health problems, vacation, study, official business trip, termination or suspension of the powers of a judge on the grounds established by the federal law (Article 28 of the CACP).

A fixed composition of judges handles a case. If one of judges is changed when hearing a case, the hearing of this case should be started anew (Article 157 of the CPC).

A judge or a composition of the court which started hearing a case should complete hearing the case. A replacement of a judge, commercial court assessor or one of judges, commercial court assessors is possible in cases of self-disqualification or disqualification of a judge or commercial court assessor that is declared and approved in accordance with the procedure established by the Code; in case of a long-term absence of a judge or commercial court assessor due to health problems, vacation, study, official business trip, termination or suspension of their powers on the grounds established by the federal law (Article 18 of the CCP).

A judge or a composition of the court which started hearing a criminal case should complete hearing the case. If one of judges can no longer participate in court proceedings, then he is replaced with another judge, and the hearing of this case should be started anew (Article 242 of the CrPC).

The president of a district court, aside from exercising the powers and functions specified in Clause 1 hereof, may by a reasoned order transfer a part of criminal, civil, administrative offence cases and statements of claim which are handled by a magistrate of a judicial district to a magistrate of another judicial district of the same judicial area, if a magistrate's workload exceeds a magistrate's average workload for this judicial area, in order to ensure that magistrates' workloads are even (Article 6.2 of the Law on the Status of Judges).

2.10. Do presidents of the court decide on a composition of sections/subdivisions of a court or a composition of a board of judges?

2.11. Do presidents of the court select and appoint judges who can coordinate/manage a section/subdivision of a court?

A judicial division for civil cases, a judicial division for administrative cases, a judicial division for criminal cases of a supreme court of a republic, territorial, regional court, federal city court, autonomous region court, autonomous area court

are formed from among judges of the relevant court and composed of its president of the court and members of the relevant judicial division. Compositions of the specified judicial boards are approved by a court presidium (Article 28 of the Law on General Jurisdiction Courts).

Judicial divisions are formed from among judges of that court upon the recommendation of the president of the court and approved by a court presidium, in a district commercial court (Article 30 of the Law on Commercial Courts).

2.12.Can presidents of the court delegate their functions to other judges?

If the president of the court is not present, his powers are exercised by one of his deputies, and if deputies are not present, then by a judge of that court upon recommendation of the president of the court. If the powers of the president of the court are suspended or terminated, such powers are exercised by one of his deputies upon a decision of the Chief Justice of the Supreme Court of the Russian Federation, and if the president of the court does not have any deputies, then by a judge of that court upon a decision of the Chief Justice of the Supreme Court of the Russian Federation (Article 6.2 of the Law on the Status of Judges).

2.14.Do presidents of the court supervise rulings of other court judges?

Decisions made by a judge may be appealed in an appeal, cassation and supervision order in accordance with the procedural laws.

2.16.Do presidents of the court establish performance efficiency objectives and/or time limits in a court related to achieving them?

2.17.Do presidents of the court establish performance efficiency objectives and time limits for every judge and member of a court?

An essential condition of the court's work efficiency is control over the timely and high-quality performance of work. An important means to achieve this objecting is court's work planning. To ensure that planned events are realized timely and to the highest standard, one needs to establish time limits for completing (performing) works. A court's work plan is approved by order of the president of the court. Moreover, the president of the court may establish specific time limits for executing instructions related to the court's work organization.

As for judges exercising their procedural powers, time limits are established by the existing procedural law.

2.18. Do presidents of the court supervise the duration of a legal procedure and what actions can they take to accelerate the settlement of disputes?

If after an *administrative statement of claim* is agreed to be heard, an administrative case has not been heard for a long time and a court hearing is clearly protracted, the president of the court, upon his initiative or on the basis of the relevant application of an interested party on accelerating the hearing of the administrative case, may pass a reasoned ruling to accelerate the hearing of the administrative case. The application on accelerating the hearing of the administrative case should, in particular, contain the circumstances on the basis of which the applicant rests his request. The president of the court considers the application on accelerating the hearing of the administrative case no later than the business day following the day when this application is received by the court, without notifying the applicant and other parties to the case. Following the consideration of the application, the president of the court passes a reasoned ruling to satisfy the application and accelerate the hearing of the administrative case or to refuse to do so. The ruling on satisfying the application and accelerating the hearing of the administrative case may contain actions which are to be performed to accelerate its hearing, as well as time limits within which the court hearing is to take place (Article 10 of the CACP)

If there have been no judicial proceedings for a long time, and the court hearing is protracted, interested parties may apply to the president of the court with an application on accelerating the hearing of a case. The president of the court considers the application on accelerating the hearing of the case within five days since it was received by the court. Following the consideration of the application, the president of the court passes a reasoned ruling (order) which may contain time limits for the court hearing of the case and (or) actions which are to be performed to accelerate its hearing (Article 6¹ of the CPC, Article 6¹ of the CCP, Article 6¹ of the CrPC).

2.19. What functions related to the management of judges and legal personnel do presidents of the court have (for instance, adjustment of working hours, permission to go on vacation, transferring personnel from one position to another, permission to carry out an extrajudicial activity, etc.)?

As it was stated above, the president of the court provides the general management of the court administration, *including appointing court officers to and discharging from positions*, as well as delegates responsibilities among them, adopts decisions on granting bonuses to court officers or holding them disciplinary liable, organizes the provision of additional education to court officers (Article 6.2 of the Law on the Status of Judges).

The president of the court also organizes the court's work, establishes court's internal rules of conduct based on standard court's internal rules of conduct approved by the Board of Judges of the Russian Federation and control that they are complied with; delegates responsibilities between his deputies, as well as between judges in accordance with the procedure established by the federal law; organizes the provision of additional education to judges; regularly informs judges and court officers about its activity and the activity of the court (Article 6.2 of the Law on the Status of Judges).

2.20. Do presidents of the court have a discretionary power in establishing a fee (for instance, financial allowances) or other social benefits (specify which ones) for judges or court staff?

The financial support and social protection of a judge (including, a retired judge) and members of his family are ensured by the Law on the Status of Judges (Articles 9, 20), Federal Law no. 6-FZ as of January 10, 1996 "On Additional Guarantees of Social Protection for Judges and Administrative Staff of Courts of the Russian Federation"

The amount and time period of such payments do not depend on a president of the court's decision and are carried out in accordance with the existing laws provided that there are documented grounds for such payments.

The procedure of paying bonuses and providing material assistance to judges of general jurisdiction courts and federal commercial courts, by virtue of Article 19 of the Law on the Status of Judges, is established by a deed of the Judicial Department agreed upon with the Board of Judges of the Russian Federation.

The Regulation on the procedure of paying bonuses and providing material assistance to judges of general jurisdiction courts and federal commercial courts is approved by Order No. 116 of the Judicial Department as of June 5, 2013 and agreed upon with the Board of Judges of the Russian Federation

The specified Regulation establishes cases when financial support is provided and states that the provision of such support is carried out following a judge's written application, including documents that confirm that there are grounds for that.

Labor remuneration standards applicable to federal state civil court officers are established by Federal Law 79-FZ as of July 27, 2004 "On the State Civil Service in the Russian Federation" and the amount of payments to a specific officer does not depend on a president of the court's decision.

As part of the Justice Department's powers with regard to the labor remuneration of federal state civil court officers, Order No. 41 as of March 27, 2007 "On Approving the Procedure of Paying a Monthly Increment for Special Civil Service Conditions, Bonuses for Performing Important and Difficult Tasks, a One-Time Payment when Granting an Annual Paid Leave and Providing Financial

Assistance to Federal State Civil Court Officers of General Jurisdiction Courts, Federal Commercial Courts and the Justice Department's system" was issued.

2.21. What are objectives of presidents of the court who are related to distributing a budget between different courts?

The procedure of the financial provision of courts is established by the Law on Commercial Courts, by Federal Constitutional Law No. 1-FKZ as of December 31, 1996 "On the Judicial System of the Russian Federation" (Article 33), Federal Constitutional Law No. 1-FKZ as of June 23, 1999 "On Military Courts of the Russian Federation" (Article 32), the Law on General Jurisdiction Courts (Article 6); Federal Laws No. 7-FZ as of January 8, 1998 "On the Judicial Department under the Supreme Court of the Russian Federation" and No. 188-FZ as of December 17, 1998 "On Magistrates in the Russian Federation" (Article 10).

The obligations to distribute a court's budget are laid upon the president of the court (in relation to supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, district (naval) military courts, federal commercial courts); upon the Head of the Administration of the Judicial Department in the relevant constituent entity of the Russian Federation (in relation to district courts and garrison military courts)

Pursuant to the laws of the Russian Federation, presidents of the court have no powers to distribute a budget between different courts.

2.22. What are presidents of the court's objectives in relation to the management of a court's budget? Do they have a discretionary power in this matter?

By virtue of the provisions of Federal Law No. 402-FZ as of December 6, 2011 "On Accounting", the president of the court manages a court's budget on a daily basis (in relation to supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, district (naval) military courts, federal commercial courts); the Head of the Administration of the Judicial Department in the relevant constituent entity of the Russian Federation (in relation to district courts and garrison military courts)

In addition, Article 38 of the Budget Code of the Russian Federation contains a principle of targeting and purposive character of budget funds. The principle of targeting and purposive character of budget funds means that budget appropriations and budget obligation limits are transmitted to the specified recipients of budget funds with the indication of the purpose of their use.

2.23. Do presidents of the court manage the arrangement and configuration of a court?

Presidents of the court manage the arrangement and configuration of a court by inspecting a pre-drafting space-planning solution and agreeing upon a technical assignment on building design.

2.24. Do presidents of the court manage information and communication technologies available in a court?

Presidents of the court manage information and communication technologies available in a court, in particular, they are responsible for using information technologies in a court.

2.25. Are presidents of the court autonomous to some extent as to the selection of information and communication devices which should be in their courts

The implementation of information and communication technologies which should be used in a court is centrally carried out by the Judicial Department by agreement with bodies of the judiciary, in particular, the Board of Judges of the Russian Federation.

2.26. Do presidents of the court actually manage a court or do a council (specify its composition) or a responsible officer/director – court affairs manager share their functions

2.27. If necessary, please briefly specify the functions and experience of a director – court affairs manager and compare them with the functions of the president of the court.

Presidents of the court and their deputies provide the general management of courts.

Moreover, court administrators and court affairs managers provide the organizational support of a court.

Court administrators obey presidents of the relevant courts and follow their instructions. Court administrators exercise their powers under control of the relevant divisions of the Judicial Department and in cooperation with them.

The powers of court administrators are regulated by Federal Law No. 7-FZ as of January 8, 1998 “On the Judicial Department under the Supreme Court of the Russian Federation” and enshrined in official regulations.

The powers of court affairs managers are regulated by the relevant provisions.

No activity of councils in courts is provided for.

2.28. Please briefly specify the procedure for electing a director – court affairs manager if he is elected for a short time and whether the president of the court can withdraw their powers or not.

Court affairs managers in federal commercial courts, as well as administrators of courts of all levels are federal state civil officers and are appointed to their position in accordance with Part 1 of Article 22 of Federal Law No. 79-FZ as of July 27, 2004 “On the State Civil Service to the Russian Federation” based on the results of competitions, except as provided in Parts 2, 3 of the specified Article. Service agreements are concluded with these federal state civil officers for an indefinite term.

Pursuant to Clause 1 of Article 18 of Federal Law No. 7-FZ as of January 8, 1998 “On the Judicial Department under the Supreme Court of the Russian Federation”, an administrator of a supreme court of a republic, territorial, regional court, federal city court, autonomous region court, autonomous area court, district (naval) military court, district commercial court, commercial court of appeal, commercial court of a constituent entity of the Russian Federation, garrison military court, specialized federal court, is assigned to and discharged from the position by the Head of the Main Department for the Organizational and Judicial Support of the Activity of Courts upon the recommendation of the president of the relevant court, an administrator of a district court is appointed to and discharged from the position by the Head of the Administration of the Judicial Department in a constituent entity of the Russian Federation upon the recommendation of the president of a district court.

2.29. Do presidents of the court communicate with mass media and do they obtain education for that?

Presidents of the court communicate with mass media in order to provide people with impartial, true and immediate information on the activity of courts, including as part of meeting the requirements of Federal Law No. 262-FZ as of December 22, 2008 “On Providing Access to Information on the Activities of Courts in the Russian”.

There are no requirements to obtain special education to carry out this activity. However, presidents of regional and similar courts attend educational alignment meetings where questions regarding the communication with mass media are raised.

- 3.1. What are presidents of the court are responsible for (for instance, report preparation, verification, etc.) and what government authority (for instance, Council of the Magistracy, Ministry of Justice, Supreme Court, internal council, etc.) are they accountable to?**
- 3.2. Do presidents of the court have a disciplinary responsibility that differs from other judges' one?**
- 3.3. Do presidents of the court have any special immunity?**

Presidents of the court and their deputies lose their powers upon expiry of the term for which they were granted. The powers of presidents of the court and their deputies may be also early terminated by a decision of the relevant qualification board of judges due to the non-performance or improper performance of the official duties by presidents of the court or their deputies established by federal constitutional laws and by this Law (Article 6.1 of the Law on the Status of Judges).

If a judge or the president of the court commits a disciplinary offence, i.e. a wrongful act (omission) when on duty or off duty, as a result of which the provision of this Law and (or) the Code of Judicial Ethics approved by the All-Russia Congress of Judges, which led to the diminution of the judicial power and the judge's reputation, a disciplinary penalty (reprimand, warning, early termination of the powers of a judge) may be imposed on the judge, including the president of the court (Article 12.1 of the Law on the Status of Judges).

4.1. Who appoints the Chief Justice of the Supreme Court (For instance, Council of the Magistracy, Ministry of Justice, Supreme Court, Parliament, etc.)?

4.2. Please briefly describe the election procedure.

The Chief Justice of the Supreme Court of the Russian Federation is appointed by the Federation Council of the Federal Assembly of the Russian Federation for six years upon the recommendation of the President of the Russian Federation provided that there is a favorable conclusion of the Higher Qualification Board of Judges of the Russian Federation. The Higher Qualification Board of Judges of the Russian Federation provides the President of the Russian Federation with this recommendation no later than two months prior to the expiration of the term of office of the Chief Justice of the Supreme Court of the Russian Federation, and if his term of office is early terminated, then no later than within three months since the vacancy was opened.

The President of the Russian Federation makes a recommendation to the Federation Council of the Federal Assembly of the Russian Federation to appoint a person to the position of Chief Justice of the Supreme Court of the Russian Federation no later than 14 days prior to the expiration of their terms of office, and if the term of office of the specified persons is early terminated, then no later than within six months since the vacancy was opened.

The Federation Council of the Federal Assembly of the Russian Federation considers the issue of appointing a person to the position of Chief Justice of the Supreme Court of the Russian Federation within no later than 14 days since the recommendation of the President of the Russian Federation was received (Article 6.1 of the Law on the Status of Judges).

4.3. What qualifications (for instance, special management education, previous special position, age, etc.) are required to become the Chief Justice? (Please explain if education is obligatory or optional, if any, and what impact does it have on the selection of the Chief Justice).

A candidate to the position of Chief Justice of the Supreme Court of the Russian Federation should meet the requirements applied to candidates to the position of Chief Justice of the Supreme Court of the Russian Federation.

4.5. What is the term of office of the Chief Justice of the Supreme Court (Please specify if there are any limitations)?

4.6. Can the Chief Justice's term office be renewed and what does this procedure look like (for instance, the assessment of the first term of office prior to renewing it)?

The Chief Justice of the Supreme Court of the Russian Federation is assigned to this position by the Federation Council of the Federal Assembly of the Russian Federation for six years.

The same person may be appointed to the position of Chief Justice of the Supreme Court of the Russian Federation an unlimited number of times (Article 12 of Federal Constitutional Law No. 3-FKZ as of February 5, 2014 (as revised on November 4, 2014) "On the Supreme Court of the Russian Federation").

4.7. What objectives and functions does the Chief Justice of the Supreme Court have in comparison with presidents of other courts? (If necessary, explain the role of Chief Justice in relation to the Council of the Magistracy, Ministry of Justice, legislative authority, justice budget).

Aside from exercising the powers of a judge of the Supreme Court of the Russian Federation and procedural powers established for the Chief Justice of the Supreme Court of the Russian Federation by federal constitutional laws and federal laws, the Chief Justice of the Supreme Court of the Russian Federation exercises the following functions:

1) Addresses matters that are within the limits of his authority in relation to organizing the activity of the Supreme Court of the Russian Federation, the general jurisdiction court system and the commercial court system;

2) Organizes the work on studying and compiling the judicial practice and the analysis of the judicial statistics;

3) Convenes the Plenum of the Supreme Court of the Russian Federation and acts as its Chairman.

4) Submits a candidate for the position of Secretary of the Plenum of the Supreme Court of the Russian Federation and a composition of the Academic

Consultative Council under the Supreme Court of the Russian Federation, for approval of the Plenum of the Supreme Court of the Russian Federation;

5) Plans the work of the Plenum of the Supreme Court of the Russian Federation, shapes the agenda for sessions of the Plenum of the Supreme Court of the Russian Federation;

6) Convenes the Presidium of the Supreme Court of the Russian Federation and acts as its Chairman;

7) Delegates responsibilities between Deputy Chief Justices of the Supreme Court of the Russian Federation and judges of the Supreme Court of the Russian Federation;

8) Recommends candidates to the President of the Russian Federation for the recommendation to the Federation Council of the Federal Assembly of the Russian Federation to be appointed in accordance with the established procedure to the position of judge of the Supreme Court of the Russian Federation, including First Deputy Chief Justice of the Supreme Court of the Russian Federation, Deputy Chief Justices of the Supreme Court of the Russian Federation – presidents of judicial boards of the Supreme Court of the Russian Federation – president of the Board of Appeals of the Supreme Court of the Russian Federation, deputy president of the Board of Appeals of the Supreme Court of the Russian Federation, judge of the Supreme Court of the Russian Federation;

9) Recommends judges of the Supreme Court of the Russian Federation to the President of the Russian Federation to be appointed in accordance with the established procedure to the position of member of the Presidium of the Supreme Court of the Russian Federation;

10) Forms judicial compositions of judicial boards of the Supreme Court of the Russian Federation and appoints its chairmen;

11) Recommends candidates to the President of the Russian Federation to be appointed in accordance with the established procedure to the positions of judges of federal courts, including to the positions of presidents and deputy presidents of supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, military courts, presidents and deputy presidents of district commercial courts, commercial courts of appeal, commercial courts of the constituent entities of the Russian Federation, Intellectual Property Rights Court;

12) Submits for approval of the President of the Russian Federation proposals on the numerical strength of presidiums of supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, presidiums of military courts, presidiums of district commercial courts, presidiums of commercial courts of appeal, presidiums of commercial courts of the constituent entities of the Russian Federation, Intellectual Property Rights Court;

13) Proposes candidates from among judges of judicial boards of the Supreme Court of the Russian Federation to be elected by the Plenum of the Supreme Court of the Russian Federation as judges of the Board of Appeals of the

Supreme Court of the Russian Federation and the Disciplinary Board of the Supreme Court of the Russian Federation;

14) Makes recommendations to the Higher Qualification Board of Judges of the Russian Federation on the qualification evaluation of judges of the Supreme Court of the Russian Federation, as well as on the termination or suspension of their powers;

15) Makes recommendations to the Higher Qualification Board of Judges of the Russian Federation on the qualification evaluation of presidents and deputy presidents of the court of supreme courts of republics, territorial, regional courts, federal city courts, autonomous region courts, autonomous area courts, military courts, presidents and deputy presidents of the court of district commercial courts, commercial courts of appeal, presidents and deputy presidents of commercial courts of the constituent entities of the Russian Federation, Intellectual Property Rights Court, as well as on the termination or suspension of their powers;

16) Makes recommendations to the Higher Qualification Board of Judges of the Russian Federation on awarding judges of the Supreme Court of the Russian Federation, general jurisdiction courts and commercial courts with state decorations of the Russian Federation;

17) Makes recommendations to the President of the Russian Federation on awarding judges of the Supreme Court of the Russian Federation, general jurisdiction courts and commercial courts, with state decorations of the Russian Federation based on a decision of the Higher Qualification Board of Judges of the Russian Federation;

18) Sends to the Disciplinary Board of the Supreme Court of the Russian Federation statements of an early termination of the powers of judges of the Supreme Court of the Russian Federation, general jurisdiction courts and commercial courts for their commitment of disciplinary offences in cases when the Higher Qualification Board of Judges of the Russian Federation or qualification boards of judges of the constituent entities of the Russian Federation refused to satisfy the recommendations of presidents of federal courts on the termination of the powers of judges of the Supreme Court of the Russian Federation, general jurisdiction courts and commercial courts for their commitment of disciplinary offences;

19) Organizes the verification of information regarding the behavior of judges of the Supreme Court of the Russian Federation, general jurisdiction courts and commercial courts that does not meet the requirements of the Law of the Russian Federation "On the Status of Judges in the Russian Federation" and the Code of Judicial Ethics applicable to them and that diminishes the judicial power;

20) Represents the Supreme Court of the Russian Federation in relations with government authorities, international and interstate organizations;

21) Works with the Government of the Russian Federation when elaborating a federal budget project in terms of court financing;

22) Appoints to and discharges from the position of General Director of the Judicial Department under the Supreme Court of the Russian Federation with approval of the Council of Judges of the Russian Federation;

23) Appoints to and discharges from the positions of Deputy General Directors of the Judicial Department under the Supreme Court of the Russian Federation upon the recommendation of the General Director of the Judicial Department under the Supreme Court of the Russian Federation;

24) Approves board members of the Judicial Department under the Supreme Court of the Russian Federation, except for the members of this board who are part of this board due to their position;

25) Makes recommendations to the President of the Russian Federation on granting civil service class ranks of the Russian Federation in accordance with the established procedure to the General Director of the Judicial Department under the Supreme Court of the Russian Federation and awarding the General Director of the Judicial Department under the Supreme Court of the Russian Federation with state decorations of the Russian Federation;

26) Provides the general management of the administrative office of the Supreme Court of the Russian Federation;

27) Appoints to and discharges from the positions of members of the administrative office of the Supreme Court of the Russian Federation;

28) Makes recommendations to the President of the Russian Federation on granting civil service class ranks of the Russian Federation in accordance with the established procedure to members of the administrative office of the Supreme Court of the Russian Federation, grants (within the limits of his authority) civil service class ranks of the Russian Federation to members of the administrative office of the Supreme Court of the Russian Federation;

29) Makes recommendations to the President of the Russian Federation on awarding members of the administrative office of the Supreme Court of the Russian Federation with state decorations of the Russian Federation;

30) Establishes internal rules of conduct of the Supreme Court of the Russian Federation and controls that they are complied with;

31) Within the limits of his authority, issues orders and instructions;

32) Exercises other powers in relation to organizing the works of the Supreme Court of the Russian Federation.

**Department of Systematization of Legislation and Analysis of Court
Practice**