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CONSULTATIVE COUNCIL OF EUROPEAN JUDGES (CCJE)

Questionnaire for the preparation of the CCJE Opinion No. 19 (2016): “The role of court presidents”

Please in your answers do not send extracts of your legislation but describe the situation in brief and concise manner.

Comments on what is also happening in practice, and not only on point of law, will be much appreciated.

Introduction

The first three sections deal with presidents of first instance courts and presidents of courts of appeal. Please for each question, if and when applicable, make a distinction between the two positions.

The last section specifically deals with the president of the Supreme Court (e.g. Court of Cassation, Courts of last resort, but not with the Constitutional Courts or bodies with similar authority).

The Bureau and the Secretariat of the CCJE thank you very much for your cooperation and contributions.

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 55 first instance courts of general jurisdiction (11 district courts and 44 local courts - organisational unit of the district court, except for the Local Court of Ljubljana) and 4 labour and social first instance courts. There are 4 higher courts of general jurisdiction and 1

higher labour and social court. The administrative cases are solved before the Administrative court at the first instance, however the court itself has a status of the higher court. The Supreme court is the appeal court to higher courts, as well as the Administrative courts. Each of the aforementioned courts is presided by one court president (59 first instance courts presidents, 5+1 higher courts presidents and 1 Supreme court president).

Source: the Courts Act, art. 98 to 117; the Labour and Social Courts Act, art. 12 and 17; the Administrative Dispute Act, art. 9.

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 presidents of the courts are appointed and dismissed by the Judicial Council, save for the Supreme court president (see chapter 4).

Source: the Courts Act, art. 28 and 62.a.

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

No. For the president of the Supreme Court, see 4.4.

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

- ⤴ A call for applications for a vacant position of president of a court is published at least six months before the expiration of the previous term of office in the Official Journal by the Judicial Council.
- ⤴ An application must contain a curriculum vitae, with a description of candidates professional activity, a *six-year strategic work programme* for the court and evidence of meeting the conditions required for the court presidents (see 1.6).
- ⤴ Prior to the selection and appointment, the Judicial Council holds an interview with the candidates that have applied who best meet the conditions and criteria for appointment; the minister responsible for justice may be present at the interview and has the right to take part in the interview and ask questions. At the interview, a candidate presents the strategic programme of work.
- ⤴ Presidents of courts (except for the president of the Supreme Court) are appointed by the Judicial Council by decree, after previously acquiring the opinion of the minister responsible for justice and the president of the next higher court and/or the president of a district court for the appointment of the president of a local court (see 1.1).

Source: the Courts Act, art. 62.a and 62.b.

- 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).

There is no mandatory training prior to becoming a court president. The candidate's professional qualifications and special knowledge, experience, recommendations and achievements in connection with trial work and the candidate's competence in foreign languages are taken into account (among other criteria) when appointing the candidate. For the training, please see 1.9.

Source: the Courts Act, art. 62.a, par. 3.

- 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.

The candidate for the president must have successfully exercised the judicial office at any court of the same or higher instance for at least three years.

Source: the Courts Act, art. 62.

- 1.7 Can the candidates, who applied for the position but did not get it, challenge the decision before a court/tribunal?

Yes, in such cases, an administrative dispute can be initiated. The filed action stays the execution of the appointment.

Source: the Courts Act, art. 62.b.

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

It happens in less than 10 % of cases (e.g. from 2011 to 2015, 54 decisions on the appointment of court presidents were adopted, as well as 5 decision on non-appointment, and 6 administrative disputes against aforementioned decisions were initiated).

Source: the Judicial Council data

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

The president of a court must complete a *training programme for management duties in justice* at the Judicial Training Centre (at the ministry responsible for justice) no later than within one year of appointment. Failure to complete the professional training within the time results in termination of his/her office of president of the court. The time can be extended for substantiated reasons.

Source: the Courts Act, art. 62, par. 2 and 3.

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

The term of office is limited to 6 years.

Source: The Courts Act, art. 62.a, par. 2.

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

There is no limitation (the law provides that there is the possibility of reappointment).

Source: The Courts Act, art. 62.a, par. 2.

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

There is no renewal procedure provided. After the 6 years period, a new call for application is published and the (former) president can apply anew and provide a new *six-year strategic work programme*.

Source: The Courts Act, art. 62.b, par. 1.

1.13 Under which circumstances can presidents be removed from their office before the expiration of their term?

The term of office of the president of a court ceases

- ▲ by cessation of (in cases provided by law) or dismissal from judicial office;
- ▲ if he/she has been appointed judge or president of another court;
- ▲ if he/she has resigned from the office of president of the court.

The president of a court can be dismissed from the office of president:

- ▲ if he/she fails to perform court administration matters in accordance with regulations or *quality criteria for the work of courts* or if he/she fails to perform them in due time,
- ▲ if he/she violates regulations or in any other way infringes the principle of the independence of judges in adjudication;
- ▲ if he/she violates or allows violation of regulations on the allocation of cases,
- ▲ if the court over which he/she presides unjustifiably fails to achieve the planned business results in accordance with the annual work programme of the court, for two consecutive years.

Source: the Courts Act, art. 63 and 64, par. 1.

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

- ▲ Firstly, the president of a court of higher instance prepares a report on violations or

facts (grounds for dismissal) on his/her own initiative or at the request of the Judicial Council or the minister responsible for justice.

- ▲ The president of a court must be given the opportunity to submit a written statement on all circumstances relating to the reason for dismissal.
- ▲ The aforementioned report and the statement of the court president are then submitted to the Judicial Council.
- ▲ The Judicial Council then decides on the dismissal of the president of a court after obtaining the opinion of the minister responsible for justice and the president of the Supreme Court.

Source: the Courts Act, art. 64, par. 2 to 5.

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

Yes, in such cases, an administrative dispute can be initiated.

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

No, however there are informal meetings of judges, where certain issues/decisions can be discussed.

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.

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)?

The organisation of the operations is supervised (i.e. can be inspected) by the Sector for Supervision of the Judiciary at the ministry, responsible for justice and the performance of court administration matters is supervised in courts of first instance by the president of the court of higher instance, and in courts of all instances by the President of the Supreme Court.

Source: the Courts Act, art. 65.a and 67.

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?

A president of a court is classified into the wage grade according to the act governing the system of wages in the public sector by the president of the immediately superior court (and the president of the Supreme Court of the Republic of Slovenia by the Judicial Council). The remuneration depends on the status and size of the court and the position of the judges, however the salary of the president of the court is from 5 % to 45 % higher than the salary of the judges at the same court.

Source: the Judicial Service Act, art. 45; the Public Sector Salary System Act, art. 44.a.

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

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?

The expected number of cases solved by judges was set by the Judicial Council in their Criteria on the quality of judicial performance for the evaluation of judicial service. The previously valid Criteria as well as the Criteria that were set in 2013 and valid from the beginning of 2014 included specifically set reductions of the expected caseload (otherwise set for each type of procedure) for different functions, based on their tasks of court administration and other tasks in addition to trial (e.g. presidents of bigger local courts and bigger departments were expected to solve 60% of the expected volume of work, while presidents of smaller courts and heads of smaller departments received a lower reduction, ranging from 70% - 90% of the expected volume of work to be solved by other judges (depending on the number of judges)).

The new Criteria that were adopted by the Judicial Council in 2015 and are valid from 2016 on, abolished the exact figure of cases, expected to be solved by judges and opted for a qualitative approach. The figures are still checked, however, they are now compared to the amount of cases solved by a similar judge for the specific legal field. The role of court presidents and heads of departments is now more important, as they are the ones giving the opinion on the performance of the judge, which will help the Judicial Council decide on the assessment of judicial performance. The reduction of caseload because of administrative tasks and other tasks in addition to trial is still valid, but these reductions are no longer set by a fixed figure. The Criteria just define, that these tasks should be taken into account, when assessing the performance of presidents of courts and heads of departments (as well as other judicial functions). While for the presidents of the two biggest local courts, district courts of first instance and all other higher courts the Criteria state that it has to be taken into account that these judges mainly do not perform judicial tasks, the presidents of other local courts receive a reduction in the sense that the administrative and other tasks they have to perform beside judging have to be taken into account when assessing their performance.

Source: Criteria on the quality of judicial performance for the evaluation of judicial service (2013); art. 16; Criteria on the quality of judicial performance for the evaluation of judicial service (2015); art. 11 and 12 (the Judicial Council).

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).

Regarding full-time judges: after receipt of applications the president of the court must formulate an argued opinion on the suitability of each candidate whereby he/she must take into account the Criteria for Selecting and Promoting Judges (defined by law and the Judicial Council). The opinion is then delivered to the candidates, who may put forward reasoned comments. Upon the receipt of comments, the president of the court formulates a final opinion and sends it to the Judicial Council together with the records of the vacancy and application procedure and eventual candidate's comments. The president of the court may expressly state which candidates he/she deems to be the most suitable for filling the vacant position and provide an argumentation.

Regarding lay judges: Law only provides for lay judges at the district and labour and social courts of first instance. Lay judges at the district courts are appointed by the president of the higher court, form with candidates proposed by representative bodies of municipalities and by interest organisations in that territory as societies or associations, with the exception of political parties. Lay judges at the labour and social courts are elected by the National Assembly, upon proposal by representative trade unions, employers' associations, the Government of the Republic of Slovenia, associations of insured persons and public institutions in the area of social insurance and the Government of the Republic of Slovenia

Source: the Courts Act, art. 45; the Judicial Service Act, art. 54, par. 3 and 5; the Labour and Social Courts Act, art. 15 and 16.

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

The presidents appoint and dismiss court directors who perform matters of court administration. Please see 2.26 and 2.28.

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).

Not directly. An assessment of judicial service for judges is conducted by the personnel councils periodically or at the request of the Judicial Council, the president of the court, the president of a superior court or the judge himself/herself. In its assessment, however, the personnel council takes into account the opinion on judges' working capabilities and professional knowledge, drafted by the president of the court (in case of larger court by the head of the department), together with judges' remarks to the opinion.

The personnel council use the assessment of judicial service to determine whether a judge:

- ▲ is unsuitable for judicial service;
- ▲ fails to fulfil the conditions for promotion;
- ▲ fulfils the conditions for promotion;
- ▲ fulfils the conditions for accelerated promotion
- ▲ or fulfils the conditions for exceptional promotion to a higher judicial title.

Any assessed judge, president of a court or head of a body who does not agree with the

assessment may appeal to the personnel council at the Supreme Court of the Republic of Slovenia. If it proceeds from the assessment that the judge is unsuitable for judicial service, his/her judicial office is terminated, however the assessment must be submitted to the Judicial Council for confirmation before it is put into effect.

Source: the Judicial Service Act, art 31, par. 1, art. 32, par. 4 art. 33 and art. 36, par. 6; Criteria on the quality of judicial performance for the evaluation of judicial service; art. 1, 3, and art. 9, par. 1 (the Judicial 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).

- ⤴ The initiative to introduce disciplinary proceedings may be put forward by the president of the court where the judge performs judicial service, the president of the immediately superior court, the Judicial Council or the minister responsible for justice.
- ⤴ The disciplinary procedure is started by lodging the proposal for disciplinary sanctioning by the disciplinary prosecutor (a judge of the Supreme Court).
- ⤴ In disciplinary proceedings, the decision is made by the disciplinary court of first instance and the disciplinary court of second instance. The disciplinary court of first instance consists of eight judges and decides in panel of three judges.
- ⤴ The disciplinary court of second instance decides on appeals against decisions by the disciplinary court of first instance and consists of five Supreme Court judges and takes decisions in a panel consisting of the president and two other judges
- ⤴ Disciplinary sanctions are: written warning; suspension of promotion; wage reduction; transfer to another court; or termination of judicial office.

Source: the Judicial Service Act, art. 82, par. 1, art. 86 to 88, art. 91, par. 2.

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

A court president cannot fire a judge. For court staff, see 2.26.

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?

There is no place for discretion of the presidents of the courts in the procedure of assigning the cases to judges (the procedure is regulated by the Courts Act and in details by the Court Rules: Where two or more judges have been assigned to the same legal field, cases are assigned to individual judges according to the daily succession of filed initial procedural acts, taking into account the alphabetical order of the initial letters of the surnames of judges, however the court president decides on the annual assignment of judges to specific legal fields.

One of the tasks of the president of court is to currently monitor the performance of the court and to decide on legal remedies according to the Protection of Right to Trial without Undue Delay Act. According to the aforementioned act, if the president of the court establishes that

the undue delay in decision-making of the case is due to excessive workload or extended absence of the judge, he/she may order that the case be reassigned.

Source: the Courts Act, art. 15, par. 1, art 17 and art 71, par. 1; the Protection of Right to Trial without Undue Delay Act art. 6, par. 7.

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

The priorities in handling of the cases (i.e. the types of cases that are considered a priority) are defined by law.

Source: the Courts Act, art. 13.a.

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

One of the presidents of the court tasks is to currently monitor the performance of the court and to decide on legal remedies according to the Protection of Right to Trial without Undue Delay Act. In case the president of the court considers the right to trial without undue delay, rules on order of hearing, procedural deadlines or other procedural rules may be at risk, he/she can decree the priority handling of a case(s), amongst other measures.

The president of the court may order that the case be reassigned in cases of excessive workload or extended absence of the judge.

Source: the Courts Act, art. 71.c, par. 1, the Protection of Right to Trial without Undue Delay Act art. 6, par. 7. Court Rules, art. 162.

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

The annual assignment of judges to specific legal fields (which includes the composition of the judges' panel) is decided by the president of the court. When an internal organisational unit must be lead by a judge, the head of the unit is appointed and dismissed by the president of the court.

Source: the Courts Act, art. 71 and 96.

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

Please see 2.10.

2.12 Can presidents delegate their functions to other judges?

In addition to substitute for the president, the vice-president may also perform matters within the competence of the president in other cases, under the authority of the president. In the courts with a very structured organisation and high number of internal units the president of the court may authorise in writing the heads of these units to perform certain administrative court affairs. The president of the district court may authorise the head of a local court as an assistant decision-making authority running the cash desk.

Source: the Courts Act, art.61, par. 3; the Court Rules art. 175 and art. 348, par. 3.

2.13 Are presidents supported in their tasks and by whom?

Court administration matters are under the authority of the president and the director of the court. For details on court directors see 2.26. The court president is substituted by the vice-president of a court, who may also perform matters within the competence of the president in other cases, under the authority of the president. The administrative work necessary for the application of judicial authorities and execution of court's administrative affairs is organised within a joint court office, run by the head of the office or smaller organisational unit - the Office of the President.

Source: the Courts Act, art.61, par 1 and 3; the Court Rules, art. 42.

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

Within the framework of court administration and exercising control over its implementation, interference with the independent position of a judge in decision-making on cases that he/she has been assigned to adjudicate is not permitted.

Source: the Courts Act, art.60, par. 2.

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?

No.

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

Yes. The president of a court must present a proposal for the annual work programme, containing an annual implementation plan of the court including an operational plan for the next year (The annual work programme of a local court (see 1.1) is prepared by the president of the district court on the proposal of the president of a local court).

The annual work programme must contain an assessment of the anticipated annual caseload of more important and other cases, temporal criteria for typical procedural acts and temporal criteria for solving matters and the operational plan (consisting of number of planned and resolved more important and other cases; an efficiency criterion, which is calculated as the

number of planned resolved cases per judge and court staff; a performance criterion of operation, which is the planned time of judicial proceedings in more important and other cases, expressed in months from case assignment to resolution of the case; and an economic criterion, which is the amount of budget funds per planned resolved case(s).

Source: the Courts Act, art. 71.a, par. 1 and art. 71.b, par. 1 and 2.

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

For judges no. The president (or director, see 2.26) may set productivity or timeframe targets for court staff.

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

One of the presidents of the court tasks is to currently monitor the performance of the court. The specialised BI tool (President's dashboards) is in place, allowing them to monitor the court performance in real time. In addition to reassigning the cases and ordering a priority handling of cases, the court president can issue the written warning to the judge and decide it should go to his personal record, set a deadline to perform the procedural acts, as well as other measures according to the Protection of Right to Trial without Undue Delay Act.

Source: the Courts Act, art.71.c, par. 1.

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.)?

Management of judges and court staff is largely regulated by the Courts Act and the Judicial Service Act, as well as the Court Rules, however court presidents have some powers within the aforementioned regulations (e.g. the president of the court decides on the annual assignment of judges; see 2.10 and 2.7). The court president can also adopt internal regulation governing work-hours, assigning the staff etc. within the limit of the aforementioned acts. Management of the court staff is in the power of the president and the director (see 2.26)

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. The remuneration of judges and court staff depends on the classification into the wage grade according to the act governing the system of wages in the public sector.

The judges can be promoted on the grounds of the assessment of their work (see 2.4). The president can decide on the promotion of the court staff according to the Public Sector Salary System Act.

If the Government or the ministry responsible for justice in order to improve the

performance of the judiciary and eliminate court backlogs, adopts a relevant programme or project, judges and court staff participating in such a programme or project can receive payment for the increased workload in the amount and under conditions in compliance with the act regulating the salary system in the public sector. IN such case, the agreement between the court president and the participating judge or other personnel is required.

Source: the Courts Act, art. 75.

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

In order to harmonise proposals for court financial plans and court staff plans in compliance with the act regulating public finance and/or civil servants, *a judiciary budget committee* is established at the Supreme Court. It is headed by the secretary-general of the Supreme Court (see 2.26) and consists of representatives of the Supreme Court, higher courts, district courts and the Ljubljana District Court and representatives of the Judicial Council and the ministry responsible for justice.

Source: the Courts Act, art. 75, par. 3.

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

The court budget management is amongst the court administration matters within the power of the court president and director (see 2.26). Court presidents and directors are authorising officers for the funds of individual courts.

Source: the Courts Act, art. 60, par. 1 and art. 75, par. 4.

2.23 Do presidents manage the court premises and layout?

The court premises and layout depend on the infrastructure, provided by the Ministry of Justice. Court presidents and directors (see 2.26) adopt day to day decisions on the court administration matters (e.g. cleaning, small maintenances etc.).

Source: the Courts Act, art.60, par. 1.

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

No. Uniform technological support to the operation of the courts and to the legal information system of courts is provided by the Information Technology Centre at the Supreme Court (ITC).

The development strategy for computer-supported court operation is decided upon a proposal of the director of ITC, after receiving an opinion of the ministry, responsible for public administration, by the Council of Users for Computerisation of Courts. The Council consists

of the heads of the heads of information technology departments at courts, the president of the Supreme Court, a judge, designated to head ITC, director of ITC and representatives of the Judicial Council and ministries responsible for judiciary and public administration.

Source: the Courts Act, art. 70, par. 4; the Court Rules, art. 150.

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

Please see 2.24.

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?

All courts except the local courts as the organisational units of the district courts may have court directors for performing matters of court administration. An individual district court may have a court director for lower courts on the territory of this district court. If a particular court has no director, tasks falling within the court directors competence are performed by the president of the court. Please note that the Supreme Court of the Republic of Slovenia has a secretary-general, who is an official performing tasks of the directors of the other courts.

A court director independently performs tasks of court administration related to the material, technical and financial operations of the court, conducting public procurement procedures, decision-making in court staffing matters, court security provision, monitoring, analysing and drafting the up-dating of business processes and carry out other tasks of court administration on the basis of authorisation by the president of the competent court.

Source: the Courts Act, art. 61.a.

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

While the president of the court submits his six-year strategic work programme for the court, monitor the court performance and decides on the most important court administration decisions (e.g. submits the annual work programme of the court, decides on the annual assignment of judges to specific legal fields etc.) the court director adopts day-to-day decisions (see 2.26).

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 director of a court is appointed and dismissed by the president of the court.

- ⤴ A call for applications for a vacant position of court director is published by the president of the court, who interviews the candidates meeting the formal conditions.
- ⤴ The president of the court selects the most suitable candidate, taking into

consideration the knowledge, experience, recommendations and achievements of candidates (skills such as: court staffing and management, building good working relations, the creation of organisational structure, use of innovative strategies, collecting, analysing and use of information, court budget management, public relations, knowledge management and other special knowledge.

- ▲ The court president decision on appointment and indicate the reasons. In a case of non-selection of a candidate, he/she must indicate the reasons for the non-selection. An administrative dispute may be initiated against such a decision.

The position is assigned by a decision on appointment for a five-year period.

Source: the Courts Act, art. 61.b.

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

The president of the court is responsible for the monitoring of public media reports and for informing the public. For such tasks, a public officer can be authorised by the president of the court. The *training programme for management duties in justice* at the Judicial Training Centre (see 1.9) includes the public relations topics.

Source: the Courts Rules, art. 8, par. 2; the Rules on the curriculum and the duration of the professional training programme for Courts presidents and directors, art. 4.

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)?

Even though the performance of court administration matters in courts of all instances is monitored by the president of the Supreme Court (as the effective head of the judiciary), the presidents of the courts are independent (they are not subordinated to the president of the Supreme Court). Twice a year, joint meetings with the presidents of the courts, the president of the Supreme Court, the Judicial Council and the minister responsible for justice, are to take place, where proposals and the realisation of the annual programmes of work, as well as take harmonised measures, are to be discussed.

Source: the Courts Act, art. 67. par. 1 and art. 71.a, par. 4.

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

The annual report on performance of an individual court is produced by the president of the court and includes data on number of judges and court staff, court statistics, duration of proceedings and the assessment of fulfilling the goals, set in the annual work programme.

Source: the Courts Act, art. 60.a, par. 2 and 4.

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

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.)?

- ⤴ There is the obligation to submit the annual work programme of the court and the annual report on the performance of the court to the competent higher court, the Supreme Court, the Judicial Council (annual report only) and the ministry responsible for justice.
 - ⤴ The performance of court administration matters may be subjected to supervision by the presidents of the higher courts or the president of the Supreme Court or by the ministry, responsible for justice (see 1.18).
 - ⤴ The operations of the courts may be reviewed by the Court of Auditors.

All the mechanisms above are targeted to the operation of the court and not (directly) to the work performed by the president of the court, except for meeting the goals in annual work programme (see 1.13) .

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

No.

3.3 Is there any special immunity for presidents?

No.

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

There are no special mechanism to evaluate the work (function) of the court president. The rules of the assessment of the judges (see 2.4) apply to the court presidents, however an additional criterion (the ability to perform the functions of a managerial position) is taken into account.

Source: the Judicial Service Act, art. 28, par. 1.

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

Please see 3.4 and 2.4.

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 the Supreme Court).

4.1 Who appoints (e.g. Judicial Council, Ministry of Justice, Parliament, etc.) the president of the Supreme Court?

The president of the Supreme Court is appointed by the National Assembly, upon the proposal of the minister responsible for justice, after previously acquiring the opinion of the Judicial Council and the Plenary Session of the Supreme Court.

Source: the Courts Act, art. 62.a.

4.2 Please describe briefly the selection procedure.

The rules for the president of the court (see 1.4) apply to the selection procedure for the president of the Supreme Court, however he/she is appointed by the National Assembly, upon the proposal of the minister responsible for justice, after previously acquiring the opinion of the Judicial Council and the Plenary Session of the Supreme Court.

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).

Please see 1.5.

4.4 Does the president get a “confidence vote” (after or before their appointment) from other judges of the Supreme Court?

No, however the opinion of the Plenary Session of the Supreme Court is acquired in the selection process.

Source: the Courts Act, art. 62.a, par. 1.

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

The president of the Supreme Court is appointed for the period of six years, with the possibility of reappointment.

Source: the Courts Act, art. 62.a, par. 1.

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

No, however he/she can be reappointed. Please see 1.12.

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 is the effective head of the judicial branch of power. He/she has no formal roles/relation to the Judicial Council (independent body) or the other branches of power (Ministry of Justice, legislative power). For budget of the judiciary see 2.21.

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

Please note that the Supreme Court performs several tasks for all the courts (e.g. informatization (see 2.14), budget proposal (see 2.21, etc.).