European Commission for the Efficiency of Justice
Commission européenne pour l'efficacité de la justice

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 3 December 2025 CEPEJ-GT-EVAL(2025)26

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

Project of Cooperation with European Commission – Support for a better evaluation of the result of the judicial reform efforts in the Eastern Partnership "Justice Dashboard EaP"

EXPLANATORY NOTE

Data collection for the CEPEJ Evaluation of the European Judicial Systems and for EC Dashboards (Data 2025)

For the purpose of this questionnaire and exercise, "Country/ies" refer to the Beneficiaries of this project.

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INTRODUCTION

Background

The CEPEJ is a unique body, made up of experienced experts from the 46 Council of Europe member States. It assesses the efficiency of judicial systems and proposes practical tools and measures for states to work towards an increasingly efficient service of justice for the public.

Since 2004, the CEPEJ is undertaking a process of evaluating the judicial systems of the Council of Europe member States. An Evaluation Scheme has been designed and used by the CEPEJ to identify indicators in line with the principles of the Council of Europe in the field of efficiency and fairness of justice.

For the 2025 data collection, a single consolidated questionnaire is used for both the CEPEJ Evaluation of judicial systems and the Eastern Partnership Dashboard exercise. It therefore serves simultaneously as the basis for the regular CEPEJ Evaluation cycle and for the annual Dashboard data collection.

Dashboard Eastern Partnership – general information

During 2020, the EC has approached CEPEJ and proposed an action aimed at supporting the Eastern partner countries in their efforts to achieve, systematic and data-based monitoring and evaluation on the quality, efficiency, independence and accountability of their justice systems, including the prosecution services through an annual collection and processing of data on the functioning of the judicial systems of Armenia, Azerbaijan, Georgia, Republic of Moldova and Ukraine.

The methodology itself was agreed between the CEPEJ Working group on evaluation (CEPEJ-GT-EVAL), EC and the beneficiaries, and has been developed on the basis of the previous CEPEJ work, primarily Evaluation Scheme and EU Justice Scoreboard. Concretely, the exercise will be carried out according to the CEPEJ methodology and in close coordination with the EC. The action also introduces some new indicators and widens the scope of existing schemes to include areas of particular interest for the EC and the beneficiaries, especially in the light of their on-going EU accession process. For that reason, the action expands some of the existing CEPEJ questions and introduces new ones regarding independence of justice, integrity and anti-corruption, training etc. akin to the Western Balkans Dashboard.

Part of the questionnaire and explanatory note were prepared in cooperation with the GRECO Secretariat.

In parallel, the action proposes to support each beneficiary with technical expertise and capacity building activities in order to improve the effective and systematic collection, processing and analysis of data on the functioning of the judicial systems and judicial statistics according to the CEPEJ methodology.

New elements compared to previous cycles

Taking into consideration the on-going reform of the CEPEJ Evaluation cycle, for purposes of 2025 data collection both campaigns - CEPEJ Evaluation Scheme and the Dashboard - are presented in **one main questionnaire**, accompanied by **a unified and revised explanatory note**. Compared to previous cycles, several definitions, classifications and concepts have been **substantially updated** in line with the new CEPEJ Scheme (2025 data). Some of these definitions may **differ from those used in previous Dashboard cycles** or from the terminology and practices commonly applied at national level. For this reason, it is **particularly important to carefully read and follow closely** the updated explanatory note before completing the questionnaire, so that the information provided fully reflects the revised concepts and definitions.

In line with the new Scheme, a **separate ICT questionnaire** (with its own dedicated explanatory note adopted by the CEPEJ) complements the main questionnaire and covers the questions specifically related to information and communication technologies. At the same time, please note some ICT related questions in section 16 below are collected for the purpose of the Dashboard only.

Data collection and methodology

The CEPEJ will collect annually data on the functioning of the justice system in each beneficiary. Some of the data to be collected are identical to those used in the general CEPEJ evaluation process, while others are specific to this Action only.

The methodology for the collection and verification of data is defined by the CEPEJ Secretariat, under the supervision of the CEPEJ-GT-EVAL. Data collection will be based on reporting by each beneficiary, which will be invited to appoint a CEPEJ correspondent entrusted with the collection and coordination of the replies to the CEPEJ questionnaire, through the internet system: CEPEJ-COLLECT. Extensive work will be carried out by the action team responsible for the data collection within the CEPEJ Secretariat to verify the quality of the data submitted by the correspondents. This quality check process requires a certain time in order to guarantee the reliability of the quantitative and qualitative data to be finally presented to EU. During the whole process, the correspondent will be the unique interlocutor for the CEPEJ Secretariat. No data will be modified by the CEPEJ without specific information from the correspondents.

The CEPEJ shall provide the results of the data collection on agreed timelines, to ensure the timely preparation of the EC Annual reports, subject to the provision of the relevant data in due time by the beneficiaries and proper involvement of the CEPEJ correspondents in the quality check process.

Comments concerning the questions

This explanatory note accompanies the questions in this Action's questionnaire and aims to assist the CEPEJ correspondents entrusted with replying to the questions in clarifying the purpose of each question, its idea and definition. In case of more complex questions this document tries to clarify the ambiguities with practical examples of how questions should be interpreted and which replies should be given.

All the relevant information are available on the following webpages https://www.coe.int/en/web/cepej/cepej-national-correspondents and https://www.coe.int/en/web/cepej/cepej-national-correspondents and https://www.coe.int/en/web/cepej/justice-dashboard-eap.

Should you have any question regarding this Scheme and the way to respond to the Questionnaire, please send an e-mail to Oxana GUTU (Oxana.GUTU@coe.int) or Tony VILELA (Tony.VILELA@coe.int).

How to answer the questionnaire?

Types of questions

The main questionnaire includes approximately 70 questions that cover 10 different topics organised in three different formats.

Quantitative questions aim to collect numerical data (figures), providing measurable and comparable information. For example: the question on the number of courts in your country (Q28).

Qualitative questions are categorised in different modalities to show patterns or trends. For example: the qualitative question on the participation of different authorities in the different phases of the pre-trial stage of criminal proceedings (Q63).

Each question is followed by a comment (text), described later, where any details on the answer provided could be given.

Additionally, this Scheme contains some new **open questions** aiming to collect information that will be used as such (after quality control process) as a narrative in the report, especially in the “country profiles” to describe some aspects of your judicial system (for example the individual evaluation system for judges/prosecutors (Q47) or the regular judicial system surveys (Q27)). The purpose of these open questions is to allow a more in-depth exploration of some aspects of your judicial system, its developments and eventual challenges and highlight some innovative aspects if there are noticeable (for example difficulties recruiting judges and prosecutors, factors contributing to the attractiveness of the profession of judge or prosecutor (Q42), recent measures improving access to justice (Q12), gender equality in judiciary (Q50), current reforms (Q68)). **If your system does not have such innovative aspect or good practice to be mentioned, you can consider not to answer to the question concerned.** If case you find it relevant, you can specify the source(s) of your replies to the open questions.

Comments

The CEPEJ gives the possibility to insert a comment for every question. We differentiate between two types of comments: **general comments** (please see the Manual on data entry tool CEPEJ-COLLECT) and **specific comments** under each question.

The comments are essential to help understand, contextualize, and enhance the analysis of the data that will be done during the quality control process but also provided in the report. They allow national correspondents to clarify specific details, explain figures, trends or variations compared to previous cycles where needed and provide additional background information to highlight the specificities of their judicial system.

The comments that will be provided are the unique source of the analyses that will be done in the CEPEJ Evaluation report. Methodologically, the CEPEJ insists that the data are always analysed in relation to the comments. Additionally, all comments, both general and specific, are published in the CEPEJ-STAT database together with the data.

In the "specific comments" area, the national correspondent should provide detailed information on the specificities of the national judicial system **for *the on-going cycle*** as well as explain any substantial variations of data from previous evaluation rounds.

The **general comments,** which **apply to all evaluation cycles**, are located in a separate tab. Such comments refer to specificities of the national judicial system relevant to all evaluation cycles and are useful when understanding, analysing the replies and processing data. It is not mandatory to fill in this area systematically, but it is necessary when there are specific aspects of the system that need to be highlighted for accurate data understanding or interpretation. These comments should be as precise and as concise as possible.

When an answer and/or a **specific** comment to a question remains unchanged from one evaluation cycle to the other, it is possible for national correspondents to "copy and paste" from the previous evaluation round, but a simple reference to the previous cycle is not sufficient (enough). For the general comment on the other side, this is done automatically, and the user should intervene only in case a change is needed.

NA and NAP answers

When answering questions, it may not always be possible to provide a number or to choose between different response options (e.g., Yes or No). In such cases, use NA or NAP as appropriate.

NA (information/data is not available) means that the concept/category referred to in the question exists in your system, but that you cannot obtain the answer/data (e.g., administrative law cases exist in your system, but you cannot quantify their number).

NAP (not applicable) means that the question is not relevant in your judicial system (for example, because the category of judicial staff or the type of dispute that constitutes the question does not exist in your system).

The answers NA or NAP are very different from each other and any confusion could lead to wrong interpretations. Please also note that the consistency rules (vertical and horizontal) do not apply in the same way in the presence of one or more NA or NAP replies.

Consistency (horizontal and vertical)

In quantitative questions that contain a table with different subcategories and a total, the total must equal the sum of the different sub-categories, except in case of existing subtotals.

Impact of NA and NAP replies on the calculation of the total:

- if the answers to one or more sub-categories are **NA** (not available), the total cannot be equal to the sum of the other sub-categories with quantitative data.

- if only one category is **NA**, the total must necessarily be **NA**;

- if several subcategories are NA, the total can be either NA or a quantitative value (which will necessarily be greater than the sum of the available sub-categories);

- however, if one or more subcategories are **NAP** (not applicable), they do not impact the total which will be equal to the sum of the sub-categories with numerical data since this/these **NAP** replies indicate that this/these sub-categories do not exist in the legal system and could be interpreted as 0(zero).

Examples:

Please note that in all the examples below, both HORIZONTAL *(consistency should be ensured within each row meaning Total = Males, + Females for each court level)* and VERTICAL *(consistency should be ensured for each column meaning that total court presidents equal the sum of first, second, and highest instance presidents)* CONSISTENCY has been ensured.

Example No. 1 - one subcategory is NA: if one sub-category contains NA, then the total should also be NA because the data is incomplete or unavailable for that subcategory. In Ex.No.1 the number of female court presidents is NA for some reason. This NA has an effect on the following data:

- the total number of court presidents at the second instance will be NA (because if we do not know how many female court presidents are at second instance, we cannot know the total of court presidents at this instance);

- for the same reason, the total number of female court presidents will also be NA;

- and as a consequence, the total number of court presidents is NA

Example No.1 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	**NA**	18	**NA**
1. First instance court presidents	15	9	6
2. Second instance (court of appeal) court presidents	**NA**	5	**NA**
3. Highest instance court presidents	3	4	4

Example No. 2 - several subcategories are NA: if more than one sub-category is NA, the total can either be NA or a number greater than the sum of the known sub-categories. This can happen when some data is missing but the total is still estimated or known independently. In Example No. 2, the total number of male court presidents is indicated as 12, despite the male figures for both the "2. Second instance (court of appeal) court presidents" and "3. Highest instance court presidents" being NA. Similarly, the total number of female court presidents is 8, even though the female data for these same subcategories is also NA.

Example No.2 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	20	12	8
1. First instance court presidents	10	6	4
2. Second instance (court of appeal) court presidents	5	**NA**	**NA**
3. Highest instance court presidents	5	**NA**	**NA**

Example No. 3 - one (or several) subcategory/subcategories is/are NAP: the reply NAP means "Not Applicable" and does not influence the total. In calculations, NAP is treated as zero and does not affect the total sum. In Example No. 3, although "2. Second instance court presidents" is marked as NAP, the total number of court presidents (1 + 2 + 3) is still indicated as 18, calculated as NAP+10+8.

Example No.3 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	18	10	8
1. First instance court presidents	10	6	4
2. Second instance (court of appeal) court presidents	**NAP**	**NAP**	**NAP**

3. Highest instance court presidents	8	4	4

Gross figures and full-time equivalent of posts

The posts in gross figures refer to the total number of persons working, regardless of their working hours. The posts in full-time equivalent, on the other hand, are aimed at quantifying the posts taking the full time as a reference. Data in full-time equivalent implies that the number of part time working persons has to be converted: for instance, one half-time worker should count for 0.5 of a full-time equivalent, two persons working half the standard number of hours count for one "full-time equivalent".

Check and variations from previous evaluation cycles

Please always check the data inserted. Pay special attention to the figures **(for example, the number of zeros**!).

Please also compare the data indicated for the year of reference with the validated data from previous evaluation cycles, i.e., the data that was validated following the quality control of the data by the CEPEJ Secretariat and explain significant variations from one cycle to another. Additionally, the validated data from previous cycles is also available in the Excel file that is sent to all national correspondents before the start of the evaluation cycle. This file should be used to ensure consistency when comparing data across different periods. This information can also be found within the CEPEJ-COLLECT system in a separate tab “Previous data”.

Where relevant, for both quantitative and qualitative data, the system will automatically warn you in case of a significant variation and data can only be saved with these variations if a comment is inserted in a specific box that will appear under the concerned data. Indeed, these variations may be explained by specific situations which had a significant impact on data for the reference year (for example, an increase in the number of incoming administrative law cases due to the migration crisis), or by a structural reform, a legislative change, a different methodology or a change in the interpretation of the question by the national correspondent. Please note that this change should be well explained and not only mentioned. For example, if there is a new methodology introduced, the differences with the previous one should be elaborated. Although the reform of the CEPEJ evaluation cycles led to changes in numbering and some questions were deleted or revised, the system will still allow you to compare the data from and before 2024 (2022 data).

Currency

All financial amounts have to be given in Euros. This is essential to avoid any misinterpretations or problems of comparability. For countries outside the Euro zone, the exchange rate on 1st January of the reference year +1 has to be indicated in question 5.

Rules and exceptions

Please note that you should answer the questions with data/information that reflects the general rule, not the exceptions. You can mention any exceptions in the comment of the question.

Year of reference

The year of reference for this Scheme is **2025**.

1 Demographic and economic data

These data will enable to determine ratios allowing comparative analyses in all the different parts of the report. The data provided in these questions are standardisation variables and must be the latest available. Eurostat publishes this data for EU Member States and for some non-EU economies participating in the European Statistical System. If your country reports these data to Eurostat, please contact your national statistical institution to provide you with data already communicated to Eurostat. In case your country is not delivering data to Eurostat, please use your official national source and specify it in the comments.

1. (Based on previous Q001). Number of inhabitants (if possible, on 1 January of the reference year +1

The number of inhabitants should be of 1 January of the reference year +1.

2. Total government expenditure as % of GDP

This is an indicator calculated by Eurostat and represents the Total government expenditure as a percentage of the Gros Domestic Product (GDP).

See data here.

For countries that do not submit these data to Eurostat, please read the methodological details here.

3. (Based on previous Q002). Per capita GDP (in €) in current prices for the reference year

Please indicate the annual Gross domestic product (GDP) at current prices per capita. Gross domestic product (GDP) at current prices is GDP at prices of the current reporting period (i.e., not readjusted for the effects of price inflation) also known as nominal GDP. Eurostat publishes this data for EU and for some other non-EU economies. If this is the case of your State, it is recommended to submit this data for the CEPEJ evaluation. See here.

Gross domestic product (GDP) is an indicator of economic activity which is the most commonly used and is usually measured on an annual or quarterly basis to determine the economic growth of a country from one period to another. GDP is a measure of total consumption, investment, government spending and the value of exports minus imports.

4. (Based on previous Q014) Average gross annual salary (in €) for the reference year

Please indicate the average *gross* annual salary and not the *net* salary in your country for all sectors of the economy (public and private). The gross salary is calculated before any social expenses and taxes have been deducted. The data provided should represent the average salary for full-time work. This data must be indicated in Euros. Please note that bonuses that are regularly paid to all employees should be included, as long as they fall under the legal regime of salaries (such as 13th month salary in some countries). Eurostat publishes this data here.

5. (Based on previous Q003) Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

The exchange rate on 1 January of the reference year + 1 should be provided for this question. The exchange rate should be expressed as number of units of national currency required to obtain 1 Euro for all countries outside the Euro zone.

The mid exchange rate published by the Central/National Bank for 1 January of the reference year + 1 is the expected value. In case of a big fluctuation of the exchange rate between cycles, an average annual exchange rate for the reference year could be provided instead.

2 Budgetary data concerning judicial system

According to the CEPEJ, the judicial system budget is defined as the total public budget allocated to courts, public prosecution services and legal aid.

All the budgetary data must include both the budget at national level and at the level of regional or federal entities. **Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.**

2.1 Judicial system budget

6. (Based on previous Q005) Could you please indicate the approved and implemented "judicial system budget", including courts (Q7), public prosecution services (Q8), and legal aid (Q 9-0 - Q9) budgets?

The judicial system budget, as defined by the CEPEJ, includes the total approved and implemented public budget/expenditure for:

- Courts (Q7)
- Public prosecution services (Q8)
- Legal aid (Q9)

This definition has been adopted in order to ensure comparability. While the overall concept of "justice system" may vary significantly from one country to another – with some systems including additional institutions such as the prison service, probation, or Judicial Councils, the budgets for courts (as defined in Q28), prosecution services and legal aid represent a **common and essential core** across all member States.

The judicial system budget must not include, in particular:

- the budget for the prison and probation services;
- the budget for the operation of the Ministry of Justice (and/or any other institution of the executive or legislative branch which deals with the administration of justice);
- the budget for the operation of other institutions (other than courts) attached to the Ministry of Justice;
- the budget of the judicial protection of youth (e.g., social workers);
- the budget of the Constitutional courts;
- the budget of the High Judicial Council / State Prosecutorial Council (or other similar judicial governance bodies);

Most judicial systems operate on a financial year from 1 January to 31 December, which aligns with the CEPEJ reference year. Exceptionally, in some systems, the financial year does not match the calendar year (e.g. from 1 April of one year to 31 March of the next year). In such cases, please report for the financial year that overlaps more with the CEPEJ reference year (with regard to the above-mentioned example, the year starting on 1 April of the CEPEJ reference year) and explain this situation clearly in the comments.

7. (Based on previous Q004) Annual approved and implemented public budget for the functioning of all courts in €.

This question concerns the approved and the actual implemented expenditure incurred by all courts (defined in Q28) during the reference year. Please note that this category refers exclusively to courts, excluding any expenses of the public prosecution services covered under Q8. The following categories must be completed:

1. Gross salaries: this category should include all remuneration paid to professional and other judges and court staff, including base salaries, bonuses (see Q45) and additional payments (e.g., performance bonuses, jubilee awards), mandatory allowances and benefits (e.g., housing allowance), employer-paid contributions (e.g., for pensions, health insurance, social security etc.) Please note that this category includes only staff directly employed by the court. It should not include salaries or costs related to outsourced personnel or external service providers. If such services are used, their costs should be reported under the appropriate budget line (e.g., computerisation, maintenance etc).

   This line should be disaggregated in three elements:

   - 1.1 Salaries of professional judges (salaries, benefits and other expenses related only to professional judges)
   - 1.2 Salaries of non-judge staff employed in courts (salaries, benefits and other expenses related to clerks, registrars, IT staff, administrative and support staff).
   - 1.3 Salaries/remuneration of other judges (salaries, benefits and other expenses related to non-professional judges and occasional judges).

   If it is not possible to distinguish between these three categories, please specify why and indicate only the total amount for gross salaries.

2. Computerisation: this category includes all expenses related to court IT systems, including equipment, investments, installation, use and maintenance of computer systems. It covers the purchase, development, upgrade and maintenance of hardware and software, licences, and also includes the expenses for outsourced technical staff or services.

3. Justice expenses: all costs that are **procedurally and functionally linked to the conduct of judicial proceedings**, such as expenses for expert assessments, interpretation and translation, notification services, witness compensation, travel, and safekeeping of seized assets etc. These expenses support judicial proceedings and should not include general administrative costs.

   Per diems and other travel-related allowances for judges and court staff other than those for training (line 6) must be included here, not under salaries.

   Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the court budget, or court fees and taxes paid to cover justice expenses) should be excluded from this category. Likewise, any amount related to legal aid and mandatory legal representation in court (ex officio lawyers), or the relative coverage/exemption of court fees should not be included here but in the legal aid budget (see Q9).

4. Maintenance and operational costs of court buildings: includes rent, electricity, water, security, cleaning, and routine maintenance of facilities. This category also includes outsourced services and/or staff performing these functions if outsourced. It does not include investments in new buildings (which should be reported under item 5).

5. Investments in new (court) buildings: costs for new constructions, major renovations, or acquisition of buildings intended for court use.

6. Training: training activities organised and directly paid for by courts and aimed at judges or other court staff. This does not include the budget of separate training institutions (see Q10). Please note that if courts incur training-related expenses (e.g., travel, per diems, or mission costs for attending training), even if a separate training institution exists, these expenses should be reported under this item (line 6).

7. Other (please specify): use this only if expenses cannot reasonably be assigned to the categories above. For example, performance-related bonuses or regular allowances should be included under "salaries". Explain any exceptions clearly in the comments.

This budget must not include, in particular (these amounts are reported under different questions):

- the budget for the public prosecution system (see question 8);
- the budget for legal aid (see questions 9);

8. (Based on previous Q006) Annual approved and implemented public budget for the functioning of all public prosecution services, in €.

This question refers to the approved and implemented budget/expenditures incurred by the public prosecution offices during the reference year. Please note that this category refers exclusively to public prosecution services, excluding expenses of courts, covered under Q7. The classification is identical to that of the courts to ensure comparability:

1. Gross salaries: this category should include all remuneration paid to public prosecutors and public prosecution office staff, including base salaries, bonuses (see Q45) and additional payments (e.g., performance bonuses, jubilee awards), mandatory allowances and benefits (e.g., housing allowance), employer-paid contributions (e.g., for pensions, health insurance, social security etc.). Please note that this category includes only staff directly employed by the prosecutor office. It should not include salaries or costs related to outsourced personnel or external service providers. If such services are used, their costs should be reported under the appropriate budget line (e.g., computerisation, maintenance etc).

   This line should be disaggregated in three elements:

   - 1.1 Salaries of public prosecutors (salaries, benefits and other expenses related only to public prosecutors)

   - 1.2 Salaries of non-prosecutor staff employed in public prosecution services (salaries, benefits and other expenses related to administrative personnel, support staff, IT specialists, etc.)
   - 1.3. Salaries/remuneration of professionals with similar duties to those of public prosecutors (salaries, benefits and other expenses if applicable).

   If it is not possible to distinguish between these three categories, please specify why and indicate only the total amount for gross salaries.

2. Computerisation: this category includes all expenses related to public prosecution services' IT systems, including equipment, investments, installation, use and maintenance of computer

systems. It covers the purchase, development, upgrade and maintenance of hardware and software, licences, and also includes the expenses for outsourced technical staff or services.

3. Prosecution expenses: all costs directly connected to prosecutorial functions, including expert services, interpretation and translation, phone tapping, notification services, witness compensation, travels, and custody expenses. These expenses support judicial proceedings and should not include general administrative costs.

   Per diems and other travel-related allowances for prosecutors and prosecution office staff apart from those occurred for training (point 6) must be included here, not under salaries.

   Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the prosecution office budget) should be excluded from this category. Likewise, any amount related to legal aid and mandatory representation in court (ex officio lawyers), even if financed or administered by the prosecution services, should not be included here but included in legal aid budget (see Q9).

4. Maintenance and operational costs of premises: includes rent, electricity, water, security, cleaning, and routine maintenance of facilities. This category also includes outsourced services and/or staff performing these functions if outsourced. It does not include investments in new buildings (which should be reported under item 5)
5. Investments in new buildings: new constructions, purchases or major renovations of facilities of public prosecution services.
6. Training: training activities organised and directly paid for by public prosecutor offices and aimed at public prosecutors or other prosecutorial staff. This does not include the budget of separate training institutions (see Q10). Please note that if prosecution offices incur training-related expenses (e.g. travel, per diems, or mission costs for attending training), even if a separate training institution exists, these expenses should be reported under this item (line 6).
7. Other (please specify): use this only if expenses cannot reasonably be assigned to the categories above – for example, performance-related bonuses or regular allowances should be included under “salaries”. Explain any exceptions clearly in the comments.

This budget must not include, in particular (these amounts are reported under different questions):

- the budget of the court system (see question 7);
- the budget for legal aid (see questions 9);

9-0. (Based on previous Q012) Annual approved public budget for legal aid in €.
9. Revised (Based on previous Q013) Annual implemented public budget for legal aid in €.

Legal aid is defined as the aid provided by the state to persons who do not have sufficient financial means to defend or represent themselves in court or to prevent litigation or to have access to legal advice or information (see section *Access to justice*).

These questions concern the approved and implemented budget / expenditures for legal aid during the reference year, broken down by case type (criminal / other than criminal) and by phase (cases brought to court / cases not brought to court).

Concerning the distinction between cases brought to court and cases not brought to court, please also see the explanatory note for questions 21 and 22.

In accordance with the CEPEJ methodology, mandatory representation in court by ex officio lawyers must be included under legal aid. Classification should be based on the nature of the service provided, not on the legal framework or institutional source of funding.

If your system cannot separately report these expenditures as part of the legal aid budget, the reasons for this should be clearly explained in the comments. If the mandatory legal representation budget (ex officio lawyers) is not included in the legal aid budget, please specify where it is included.

If the legal aid system provides for the **coverage of court fees** (i.e., the court fees are paid on behalf of the beneficiary or reimbursed by public funds), the corresponding amounts **must be included** in the legal aid budget, regardless of the legal or institutional arrangement. This applies whether court fees are covered directly through legal aid or via another public mechanism.

2.2 Other budgetary data

9-1 (Based on previous Q010) If external donor funds contribute to the budget of courts, prosecution services, legal aid (see previous questions), please indicate the implemented amount. If you cannot provide an amount, please indicate NA and reply to question 9-2.

Substantial funding for justice system's budget might come from external donors, such as international organizations (EU, COE, UN, OSCE etc.), other states (foreign state's agencies for international development and cooperation, inter-governmental programs, embassies, etc.), NGOs, etc. Considering the significance of such funding, data on the amounts contributed to different elements of different budgets should be reported.

If possible, please provide breakdown of abovementioned funds into the following categories: courts, prosecutors' offices, legal aid, and at the end, the whole justice system. When answering this question, please pay attention to ensure consistency with data provided under earlier questions relating to budgets (Q6, Q7, Q8, Q9-0 and Q9). If funding of different categories comes from the same external source (e.g. one project finances activities of both courts and prosecutors' offices), please try to separate portions spent for each category. If you cannot make a precise calculation, please answer NA and provide a close estimate in Q11.

The indicated amount should include all external donations received in the reference year. For the purposes of this question, the reference should be made to the **implemented budget**. In case you cannot provide implemented budget, the value of approved budget can be used instead. In that case, please make a note and specify details in the comment box. Considering that this amount will be composed of contributions made by different donors through different programs and projects, it is important to include funds obtained from all external donors irrespective of modalities of those contributions (direct donation to judiciary budget, funding of specific activities within judiciary, implementing projects aimed at improving functioning of judiciary, etc). Please give relevant information in the comment box.

If possible, only amounts spent within the reference year should be reported. In case the funding is obtained within a multi-year project financed by external donors, try to separate funds spent within a reference year from the overall project's budget. If the amount spent in the reference year cannot be extracted from the overall budget, please provide the amount per year that represents average spending and is being calculated based on the following formula:

Amount spent in the reference year = (total project budget/total number of months envisaged for the project implementation) X number of months of project implementation during the reference year

For example: if total project budget is 4,5 million EUR and envisaged timeframe for implementation is 24 months,

the project has started on 1 May of the reference year, thus the amount obtained within reference year will be:

(4,500,000.00/24) X 8 = 1,500,000

Same formula applies if the project lasted less than a year.

In the comment area, you can explain specific purposes for which donations were given, such as trainings of judges and prosecutors, implementation of new IT solutions in judiciary, etc.

9-2 (Based on previous Q011) If you cannot provide the amount of external donor's contribution (specified in question 9-1), please provide an estimation of the ratio of this amount within the total implemented budget:

If you cannot provide the exact amount of external contributions to the budgets in question 9-1, please provide the best estimate of the ratio between external donations and respective budgets. This ratio should be presented as percentage calculated in relation to the total implemented budget of the category in question. When making an estimate, please use the same logics and methodology described under question 9-1.

10. (Based on previous Q142) If there is one or more institution(s) responsible for training (judges, public prosecutors, non-judge and non-prosecutor staff), please provide their implemented budget/s. These budgets should not be included in Q7 and Q8.

This question only concerns states that have public bodies responsible for the training of judges and/or public prosecutors (e.g., judicial training schools, centres, academies). Please note that a "training institution" does not necessarily refer to a standalone or specialised body. It may also include a training department or unit within a ministry or any other public authority in charge of organising and financing training activities for judges, prosecutors, or court/prosecution staff.

Please note that, even in the absence of a dedicated training institution (for judges and public prosecutors or for non-judge and non-prosecutor staff), any public expenditure (regardless of which public institution incurred it) for training of such staff should still be reported under this item.

The training may be organised:

- in a single institution covering multiple professional groups (judges, public prosecutors, court and public prosecution staff), or
- in separate institutions for each category.

The training provided may be initial, continuous (in-service), or both. Multiple institutions may co-exist within a single national system.

Only the implemented budget of these public institutions for the reference year should be reported.

This figure **should not** include:

- any part of the training budget that is financed directly by courts or public prosecution services (see Q7 and Q8); the amount reported under Q10 (budget of training institutions) should **not be included** in the court (Q7) or public prosecution services (Q8) budgets. It must be reported **separately**, in order to **avoid counting the same expenditure twice**.

- training delivered or financed by universities, private institutes, or other external providers;
- **external donor funding (e.g., EU, UNDP, bilateral donors). These amounts should be reported under the subsequent question dedicated to donor funding, in order to avoid double counting.**

10-1 (Based on previous Q142-1) What is the amount of the training budget coming from external donors?

Please indicate the amount of external financial contributions received in the reference year for training activities carried out by the public training institution(s) responsible for judges, public prosecutors or court/prosecution staff.

This amount should include all donor funding (e.g. EU, UNDP, bilateral donors, international organisations or other external partners), regardless of whether the activities were implemented directly by the training institution or managed by another public authority on its behalf.

The amount reported here must correspond to donor-funded training activities only and should not be included under Q10 (budget of training institutions), in order to avoid double counting.

If relevant, please specify in the comment box the donor(s) concerned, the type of support provided and any major programmes or projects that contributed to the total.

11. (Based on previous Q9) Annual income of court fees received by the State (in €)

This question refers to the total income from all court-related fees collected during the reference year, whether at the beginning or later stages of proceedings. This includes:

- Filing and registration fees
- Procedural and enforcement-related fees
- Any other fees paid by users of the judicial system

This figure helps assess the contribution of litigants to the financing of the judicial system and is not to be deducted from budget figures reported elsewhere. For example, if court fees are collected by the Ministry of Justice and then reallocated to the courts, the income should still be reported in this question and should not be deducted from Q7.

3 Access to justice

12. New Please, briefly describe the main important measures/practices implemented recently with the aim to improve access to justice for court users in your country. Please also specify any activities undertaken to raise awareness among users regarding the existence of these measures (e.g., promotion, communication).

This **open** question seeks to gather information on important measures and/or best practices that have been implemented recently (over the last three years at most) that aim to improve access to justice for court users in your country and concerns all the different elements of “access to justice” of this section. Please focus only on measures that were introduced, significantly revised or/and have started being implemented.

Please provide a concise summary and concrete information about what is done in practice and how it is promoted to reach users. Consequently, references to laws or legal provisions should be excluded from the answer. In your response, please:

- Describe the main measures and/ or best practices implemented in the last 3 years (e.g., judicial map reform, ADR, digital tools, simplified procedures, legal aid scope expansion, physical accessibility improvements, court fees reform, etc.).

- Explain also how these measures are promoted or made known to the court users to ensure accessibility and awareness (e.g., public awareness campaigns, information on court websites, partnerships with civil society, distribution of printed materials in public spaces, educational programs, social media outreach etc.).

Your reply to this question does not need to be exhaustive but it should include most relevant measures and the way they are promoted. An eventual contact with the CEPEJ pilot courts specific network could be useful in terms of information on good practices at local/court/public prosecution services level.

3.1 Court fees to initiate a proceeding

These three questions refer only to the court fees required to initiate a court proceeding. The court fees do not concern lawyers' fees.

13. (Based on previous Q8) Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction

The purpose to focus on courts of general jurisdiction is to have equivalent answers on the necessity for litigants to pay court fees to start a court proceeding. Those courts in most of the situations deal with civil cases, and therefore this question focuses on these types of proceeding.

If there are different rules for natural persons and legal entities, please answer from the perspective of a natural person initiating proceedings at the first instance court of general jurisdiction.

There are two points in time at which fees necessary to initiate court proceedings may be paid:

- at the beginning of the procedure - proceedings will not formally start, or will be suspended, if court fees are not paid at this stage;
- at a later stage – fees required to initiate court proceedings exist in the system and they are required from the litigants, but they may be paid at some later point during the proceedings or at the end.

The answer “No” should be selected only if such fees are not required at all from the litigants.

If there are exceptions to the general rule, please explain them in the comment.

14. (Based on previous Q8-1) Please briefly present the methodology of calculation of these court fees

Regarding the method for calculating court fees required to initiate court proceedings, depending on the country, this can be a fixed amount, an amount depending on the nature of the proceedings and/or a percentage of the contested amount. If the answer depends on such factors, please describe all relevant parameters (e.g., type of court, proceedings, etc.).

15. (Based on previous Q8-2) What is the amount of court fees requested to commence an action for 3000€ debt recovery?

As the amount of court fees might vary depending on the value of the claim, a threshold of 3000€ was set to enable comparability.

3.2 Legal aid

The system of the European Convention on Human Rights (ECHR) guarantees the right of access to justice, including the right to receive legal aid when certain conditions are met. More specifically, Article 6(3)(c) of the ECHR guarantees the right to free legal aid in criminal matters, while the case-law of the ECtHR has extended the scope of that guarantee to other than criminal matters.

The Scheme distinguishes legal aid in criminal matters from legal aid in other than criminal matters.

For the purposes of this Scheme, *legal aid* is defined as the aid provided by the state to persons who do not have sufficient financial means to defend themselves within or outside court proceedings or to have access to legal advice or information.

16. (Based on previous Q086-0) Please briefly describe the organisation and scope of the legal aid system in your country (except eligibility criteria listed in Q18)

In your reply to this **open** question, please cover the following aspects:

- Short explanation on the legal framework that governs legal aid in your country;
- The procedure for granting and/or obtaining legal aid;
- The authorities involved in granting legal aid for legal representation in courts and/or delivering legal advice. Some systems have special authorities other than the courts that deal with legal aid (such as legal aid centres);
- Whether only individuals seeking legal aid have the right to submit a request, or if lawyers can also submit requests on their behalf.
- The model of legal aid provider, such as a public defender system, ex-officio system, contract services system (the government hires private lawyers or law firms to handle cases for people who can't afford a lawyer. These lawyers are paid through a contract to provide specific services, like criminal or family law), or a mixed system.
- Whether legal aid may be granted for fees related to the enforcement of judicial decisions (expenses for enforcing a judicial decision, when enforcement is not a part of enforcement proceedings in courts (e.g., costs of enforcement agents)).
- Whether legal aid can cover other costs, such as fees for technical advisors, experts, other legal professionals (e.g., notaries), or travel costs
- Whether legal aid can cover ADR

17. (Based on previous Q086-0-0) Does legal aid apply to:

The question refers to different modalities/forms of legal aid. Please indicate if a person can, within the scope of legal aid, benefit from: legal representation in court and/or legal advice, legal assistance and/or other legal services.

The legal aid can be provided either at no cost or be subject to a financial contribution. In particular, it can consist of full or partial exemption or reimbursement of the cost, as well as other measures (e.g., delay of payment).

Legal representation in court includes all forms of representation before all general and specialized courts.

Legal advice means provision of information on a person's legal rights and/or responsibilities and on the existing possibilities for solving a particular legal issue or prevent a litigation (access to the law through knowledge of one's rights and by asserting them, but not necessarily through court remedy).

Legal assistance means assistance including, but not limited to, for example, assistance in drafting documents and court pleadings (proceedings), support in alternative disputes resolution (ADR) and help in navigating the rules and procedures in various areas of law.

Other legal services are notaries fees, judicial expert fees, translation costs, court mediators' fees etc. that are covered by legal aid.

18. (Based on previous Q087 – Q088) What are the criteria for granting or refusing legal aid per category of cases?

Please fill the table (1st row) on whether legal aid in your country is subject to financial eligibility criteria. This means that the applicant's economic situation is assessed, considering factors such as gross income, disposable income, and assets, and that legal aid is allocated according to this economic situation. Furthermore, in some systems the overall situation of an applicant is evaluated (is she/he employed, does she/he own a real estate, what are her/his fixed monthly obligations, how many household members she/he supports etc.). If this assessment is conducted in your system, please provide more details of what factors are taken into account.

Please also fill the table (2nd row) on whether legal aid may be refused for cases lacking merit. Examples of such cases include frivolous actions, those with no reasonable chance of success, or those lacking public interest.

The situation can be different between criminal and other than criminal cases. If your system allocates automatically legal aid for criminal cases (without using any criteria) please answer "No" for this case category.

Please elaborate in the comment if any other eligibility criteria are taken into account for granting/refusing legal aid and provide any other clarifications that could explain the data communicated.

19. (Based on previous Q20-0-4) Are there situations where legal aid is automatically granted based on case category or status of the recipient?

In some systems, legal aid is automatically granted for certain categories of cases or based on the specific status of the recipient. If this applies to your system, please specify which categories of cases are covered and what recipient statuses are taken into consideration.

"Automatically" means no financial or merit assessment is carried out; the status of a recipient or the case category is enough to automatically grant legal aid, generally justified by the seriousness of the circumstances, the recipient's vulnerability or the promptness of the proceedings.

For example, some states and entities automatically grant legal aid to specific categories of individuals such as victims of domestic or sexual violence (Ireland, Malta, North Macedonia, UK-Scotland and Israel), immigrants (the Netherlands), or asylum seekers (Serbia).

Please describe in the comments the definition from your internal legal system used when selecting a case category or recipient's status.

20. (Based on previous Q88-1) Please indicate the timeframes of the procedure for granting legal aid, namely the duration from the initial legal aid request to the final decision on the legal aid request:

This question concerns timeframes for approving legal aid requests. It should be noted that duration of time should be measured in days from the initial request to the final decision. The answer should address two different aspects:

- **"Maximum duration prescribed in law/regulation"** – this duration should reflect timeframes envisaged in the relevant laws and regulations. If there are timeframes prescribed for each different stage of the procedure for granting legal aid, please indicate the longest possible and mention it in the comment. If the rules set the minimum and maximum duration, only maximum envisaged values should be taken into account. In addition, the comment should specify in which legal instruments these timeframes are envisaged and explain if there are different timeframes set for different types of criminal cases and other than criminal cases.

- **"Actual average duration"** – the answer in this part should reflect the actual state of play and not the legal requirements, meaning that the average time should be calculated based on the actual duration of time passed between the initial requests and the final decisions for all procedures for granting legal aid completed in the reference year.

21. Please indicate the number of requests for legal aid
22. (Based on previous Q086) Please indicate the number of cases for which legal aid has been granted:

These two questions (number of legal aid that has been requested and granted), analysed together, will allow to have a full picture of the legal aid system in the Council of Europe member States.

For the purposes of these questions:

"C**ases brought to court**" means all actions covered by legal aid in the frame of court proceedings, whereas "**cases not brought to court**" means all actions covered by legal aid in respect of one single legal situation/dispute that are undertaken outside the court proceedings (legal advice, legal counselling, court related mediation or other alternative dispute resolution measures, enforcement etc).

When the legal aid is granted in respect of a dispute at the earliest stage, as a package that covers the whole procedure, and competent authorities do not have a possibility to know what follow-up action was taken by the parties (whether the case was brought to court, solved before going to court etc.), the reply should be NA for the different subcategories and only the total should be indicated.

These questions should be answered in the same way as question 9 regarding the implemented budget for legal aid distributed among the same categories. The question on budget will be analysed in relation to the number of cases granted with legal aid, the number of recipients of legal aid or the number of decisions.

23. Please specify what is the measurement unit for the data provided in Q21 and Q22

Given the diversity in member States' methodologies related to legal aid statistics, we would like to include a question to clarify which measurement unit (by case, recipient, or decision) is used in questions 21 and 22.

To improve the quality and comparability of the data presented in the CEPEJ report, it is crucial to specify the measurement unit used and ensure that the same unit applies consistently across both tables (Questions 21 and 22).

Please see below the definitions of what each measurement unit (case, recipient, decision) means:

By case

“By case” covers **all** actions in respect of one single legal situation/dispute that are taken within (case brought to court) or outside the court proceedings (case not brought to court).

If within one case one party is granted legal aid by several decisions (for covering different expenses for example), it should be counted as one case.

If within one case two parties receive legal aid, this should be counted as one case if the measurement unit is “by case”.

By recipient

“By recipient” covers all legal or natural persons who were granted legal aid within (case brought to court) or outside the court proceedings (case not brought to court).

Please provide the total number of recipients of legal aid, as well as the number of recipients in criminal and other than criminal cases brought to courts and not brought to courts.

If one person received legal aid for more than one case during the reference year, please count this person once for every case in which he/she received legal aid (for example if one person received legal aid for two separate cases, this should be counted as two recipients).

If within one case one party is granted legal aid by several decisions (for covering different expenses for example), it should be counted as one recipient.

By decision

"By decision" means that each type of legal aid service (e.g., translation, travel costs, lawyer's fees, expert fees) is counted separately in respect of one single legal situation/dispute within (case brought to court) or outside the court proceedings (case not brought to court).

For example, in a child custody case (one single legal situation/dispute), both parents received legal aid: one for legal representation, travel costs, and expertise, and the other only for legal representation. In this scenario, there is one case, two recipients, and four decisions.

In case you are able to provide figures using all three measurement units (cases, recipients, and decisions), please prioritise “by recipient” in your answer, as this is the most used unit among Council of Europe member States.

3.3 Court users and victims

24. (Based on previous Q29) Is there an obligation in your system to provide information to the parties concerning the foreseeable timeframes of their proceedings?

Ensuring that parties to judicial proceedings are informed of expected timelines is a key element in enhancing public trust and efficiency within the justice system. This question explores whether such an obligation exists, and if possible, to have some information on its legal ground, procedural basis or application in practice, as well as the means by which this information is communicated to the parties.

The obligation to provide information to the parties may consist in an agreement on a jointly determined time-limit, to which both sides would commit themselves through various provisions. It can also be a simple information communicated to the parties (e.g., specific time estimates for the case at hand, or procedural deadlines established by law or by mutual agreement between both parties and the court).

Additionally, please specify in the comments how the information is conveyed to the parties (e.g., via written notice, procedural documentation, oral explanation during hearings, or digital case management platforms).

Where appropriate, please give details on the specific situations and existing specific procedures, for instance if the obligation applies only in particular procedures (e.g., expedited trials, commercial disputes, juvenile cases), or at certain stages (e.g., pre-trial).

25. (Based on previous Q163) For which vulnerable groups your judicial system provides for special arrangements in hearings or other phases of the judicial proceedings? Please specify which types of arrangements are provided?

This question seeks to identify the specific legal provisions and arrangements available to support vulnerable groups during judicial proceedings (hearings and other phases of the judicial proceedings) and ensure their equal access to justice.

In the scope of this question, judicial proceedings do not include the police investigation phase of the procedure nor compensation mechanisms for the victims of criminal offences.

The following are examples of special arrangements that may be applied to support vulnerable groups. The list of examples is not exhaustive. Any other applicable measures that exist within your national judicial system could be included in the reply to this question.

Please enumerate the different arrangements applicable and provide in the comment a short description of any existing arrangements not included in the following list of examples.

<u>Examples of special arrangements applicable to multiple vulnerable groups:</u>

- Access to psychological counselling and/or support
- Allowing the presence of a support person/service animal (e.g., guardian, legal representative, social service representative, service dogs)
- In camera hearings
- Separate court entry/waiting areas
- Remote testimony options (videoconference, use of video/audio recordings etc.)
- Automatic attribution of legal aid
- Adjusted proceedings (speedy proceedings, shorter sessions, extended breaks)

Examples of special arrangements to a specific vulnerable group:

Victims of sexual abuse:

- Use of video testimony to avoid direct confrontation with the accused and re-victimisation
- The obligation to inform beforehand the victim of sexual violence/rape in case of the release of the offender

Victims of terrorism:

- Crisis intervention services

Victims of domestic violence:

- Restraining orders against the offender
- Witness protection programs
- Access to specialised domestic violence courts or justice professionals
- Safe accommodation (transfer to “safe houses” or change of place of residence)
- Electronic alert bracelets
- Possibility to file a complaint outside of a police station (public hospitals, NGOs etc.)

Minors (witnesses, victims, offenders):

- Interagency/multidisciplinary structures such as “Children’s Houses” or “Barnahus” (structures designated to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Their unique interagency approach brings together all relevant services at the same place to avoid secondary victimisation of the child and provide every child with a coordinated and effective response that has a legal standing.
- Use of child-friendly interrogation or hearings rooms
- Recording of the first declaration to prevent repeated questioning
- Access to specialised courts or justice professionals to accompany a minor throughout the proceedings
- Access to child-friendly materials on judicial proceedings (games, leaflets etc.) to communicate and explain procedure and meaning of court decisions and/or preparation for participation in trials / lawsuits
- Prohibition on publishing personal details and photographs of minor defendants and witnesses
- Possibility for a child to submit a complaint to court directly themselves in their own language

See also on this point the *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice*.

Persons with disabilities:

Persons with disabilities must be addressed in line with the UN Convention on the Rights of Persons with Disabilities adopted on 13 December 2006 and its Optional Protocol.

- Provision of sign language services
- Courtroom accessibility adaptations (physical, cognitive, digital)
- Tailored communication and questioning methods

Migrants, refugees and asylum seekers:

- Translation in native language and provision of interpreters
- Access to specialised NGOs/associations

"Other" category: you are invited to specify additional vulnerable groups and additional special arrangements in place to ensure fair treatment and non-discrimination during judicial proceedings.

This category may include but is not limited to:

- *Ethnic minorities*

Ethnic minorities must be addressed in line with the Council of Europe's framework convention for the protection of national minorities (CETS N° 157). It does not concern foreigners involved in a judicial procedure.

- Elderly people
- Victims of human trafficking
- Forced marriage victims
- Victims of hate crime

26. (Based on previous Q156) Is there a system of compensation in the following circumstances:

This question refers to the existence of national procedures that allow users of the justice system to request and obtain a financial compensation in case of malfunctioning of the judicial system (e.g., excessive length of proceedings, non-execution of court decisions, wrongful arrest/detention/conviction or other grounds such as lack of impartiality of a judge or prosecutor etc.). The users' complaints that do not result in a financial compensation should not be included in the reply to this question.

Please complete the table by providing the following information for each type of situation listed:

- The number of requests for compensation submitted during the reference year.
- The number of compensations granted, meaning those requests that were approved and resulted in a financial payment to the claimant.
- The legal time limit for processing compensation requests, if such a time limit exists in national legislation or established practice.

Only data related to domestic procedures should be reported. Requests submitted to and compensations awarded by international jurisdictions (e.g., the European Court of Human Rights or other international human rights bodies) should be excluded from the figures.

For the purpose of this question:

"Wrongful arrest/detention" applies when an individual deprived of liberty by arrest or detention is later found to have been held in violation of the law.

"Wrongful conviction", when a final conviction is later overturned due to newly discovered facts or procedural errors showing a miscarriage of justice.

"Excessive length of proceedings" refers to violations of the right to a trial within a reasonable time.

"Non-execution of court decisions" includes cases where the execution was:

- Unreasonably delayed and it is no longer of relevance for the party concerned or caused loss of substantial damages,
- denied (for any reason) by the competent authority.

"Other" – any additional grounds recognised under national law (e.g., lack of impartiality of a judge or prosecutor, violation of the right to a fair hearing).

Please briefly specify in the comment which national authorities are competent to handle compensation requests, as well as any minimum or maximum thresholds of compensation (e.g., the amount awarded per day for unjustified detention or conviction).

26-1 (Based on previous Q 156-1) Please specify which authorities are responsible for dealing with these requests:

This question asks for more details in respect of the authority responsible for receiving and approving/rejecting the request for compensation and if this authority is bound by a legal time limit when dealing with the request. The comment can include any other useful information on the compensation system (e.g. its efficiency, the existence of other possible outcomes of the procedure, etc.).

27. (Based on previous Q38) Please provide information on surveys related to the judicial system carried out regularly and/or during the reference year (target groups, topic, results, possible follow-up etc.)

This **open** question concerns surveys aimed at persons who were in direct contact with a court and who were directly involved in proceedings, as well as general opinion surveys. It aims to collect information on surveys carried out to assess satisfaction and trust in the judicial system. The scope includes surveys conducted during the reference year or regularly implemented surveys (e.g., annual, biannual), even if the most recent edition did not fall within the reference year.

The surveys may target court users/parties to judicial proceedings, judges and prosecutors, court management staff, other legal professionals such as lawyers, enforcement agents, notaries, specific vulnerable groups, general public etc.

Topics - surveys may cover a variety of themes, such as satisfaction with or accessibility of court services, trust in the judicial system, perceptions of fairness and impartiality, transparency of proceedings, court experience, or other relevant issues reflecting views on the functioning of the justice system.

Results – summarise key findings, trends, or insights (where available).

Follow-up – indicate any actions taken as a result of the survey (e.g., reforms, service improvements, feedback to stakeholders).

3.4 Courts

For the purposes of this questionnaire, a court is defined as a body established by law to exercise the judicial power of the state in civil, administrative, criminal or other matters, and where one or several judge(s) is/are sitting, on a temporary or permanent basis, responsible for settling specific disputes.

28. (Based on previous Q014-0-1 and Q014-0-3) Number of courts - legal entities and geographic locations

For reasons of data comparability, it is required to use the following categorisations defined by the CEPEJ which could differ from the national definitions.

Distinction between courts as legal entities and courts as geographic locations

A court can be counted as a legal entity and/or as a geographical location. Therefore, it is required to quantify courts according to these two concepts which allow, in particular, to give information on the accessibility of courts for the citizens.

A legal entity is a court established by law, which has an autonomous existence within the judicial system and whose jurisdiction is defined by law. A court remains a single legal entity regardless of the number of divisions/chambers or other internal organisational units. Thus, a court with a civil division, a criminal division and a tax division must be regarded as a single legal entity and not three.

Geographic locations are the sites/locations (which could be several buildings together), including the dispersed courtrooms of a single court, where judicial proceedings take place. For example, a legal entity may have several geographic locations in order to facilitate access to justice (particularly in large cities).

More specifically, if the same court operates from two buildings situated at different locations, "1" legal entity and "2" geographic locations should be counted. Conversely, if the same court has two buildings on the same site, one legal entity and one geographic location should be counted.

If different instance courts (*e.g.*, a 1st instance court and a 2nd instance court) or courts with different jurisdictions (*e.g.*, labour court and commercial court that are separate legal entities) operate on the same site, they must be counted separately both as legal entities and as geographic locations.

Distinction between courts of general jurisdiction and specialised courts

For the purpose of this question, a *court of general jurisdiction* is a court competent for **all** matters over which jurisdiction has not been conferred on a more closely specialised court.

According to the CEPEJ, specialisation of courts should be understood only in terms of legal fields, namely in terms of specific branches of criminal law (*e.g.*, fight against terrorism, domestic violence, etc.) or civil law (*e.g.*, labour law, family law, etc.) and not in terms of thresholds defined in respect of the gravity of the sanction or the value of the dispute. Accordingly, courts competent only for minor offences (for example misdemeanour courts, *tribunaux de police*) or courts competent only for the most serious offences (for example assize courts), as well as justices of peace, small claim courts etc., should be counted as courts of general jurisdiction. Conversely, a court competent only for tax offences or a court competent only for intellectual property law disputes should be qualified as specialised.

Only courts established by law as autonomous legal entities should be counted as *specialised courts*. On the other hand, the following **should not be considered as "specialised courts"**:

- chambers/divisions existing within a court of general jurisdiction and specialised in different areas of law, even if in domestic law the term "court" is used. For example, in Belgium, if all first instance courts have a specialised family and youth division and even if the name "family court" is used it remains a specialised division.
- a Supreme Court or a High Court dealing with all types of cases. For example, if a Supreme Court is organised into three civil chambers, a commercial chamber, a social chamber and a criminal chamber, all constitute a single legal entity of general jurisdiction and not 6 specialised courts.

Please note that the **specialised chambers, divisions or judges** will be taken into consideration in the next question.

Courts that are not part of the ordinary judicial system should not be taken into consideration here. This is the case, for example, of the Court of audits in some countries, which is responsible for monitoring the regularity of public accounts. If a Constitutional court exists in the judicial system, it should only be included in the reply if it is considered to be part of the ordinary judicial system and not a separate body.

Distinction between different instances

In respect of courts of general jurisdiction, please break down their total number per instance for both legal entities and geographic locations. If there are only two court instances, and the courts competent to hear appeals against decisions of first instance courts are at the same time courts of second and final instance, please count them under "28.1.3 Highest instance courts of general jurisdiction" and explain this organisation in the general comment. In this particular situation, a NAP reply should be provided for the category "28.1.2 Second instance courts of general jurisdiction".

If certain courts in the judicial system have jurisdiction to rule at different instances depending on the case type (for example, courts that act at first instance for certain categories of cases and at second instance for other categories of cases), please count them only once in the table based on their prevailing competence, explaining the situation in the comment. In case of a doubt, use the number of incoming cases as the decisive indicator (*e.g.*, if the majority of incoming cases are first instance cases, count the court concerned as a first instance court).

If specialised courts exist in your system as autonomous legal entities, it is also required to break down their total number per instance for both legal entities and geographic locations. Where there are no specialised courts of second and/or third instance, namely where appeals against decisions of first instance specialised courts are lodged with courts of appeal/Supreme Courts of general jurisdiction, please reply NAP for categories 28.2.2 and/or 28.2.3.

29. (Based on previous Q014-0-2) If your court system has specialisation in some particular legal fields, please specify the areas of law concerned and how it is organised (specialised courts/chambers/judges).

The replies to this question will provide a more complete picture of the specialisation of justice in the various states, through the specialisation of courts or the existence of specialised chambers/sections/judges.

Please indicate in this table the areas of law in which there are ***specialised courts*** (legal entities) (1st column of the table) but also the specific branches of law which have given rise to specialisation within courts of general jurisdiction in the form of chambers/sections/other organisational units, or judges whose main competence relates to a specific type of litigation (2nd column of the table). A specialised judge is a judge to whom certain types of cases (e.g., family law, commercial law, juvenile matters, etc.) are exclusively allocated by law or regulation, even though they may also deal with other types of cases.
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The 2nd column of the table should only be completed for areas of law for which there are no specialised courts as legal entities. Any details in this respect will be useful, in particular the composition and functioning of the specialised chambers/sections, the type and frequency of training undergone by the specialised judges or their recruitment procedure if the latter presents a specific feature (*e.g.*, validation of a specific examination), etc.

30. Could you please provide an organigram of your current court system?

The aim of this question is to illustrate the replies provided to questions 28 and 29. Please provide an organigram and not a judicial map.

The organigram should represent the current court system of your country in terms of legal entities and not geographic locations. It should be built based on the different court instances and taking into consideration the courts of general jurisdiction as well as the specialised courts.

This organigram should allow understanding of the way court cases are dealt with through the different instances and depending on the specific legal matter. It would be of particular importance for countries where some courts have double competence (e.g., intervening at first instance for some case types and at second instance for other case types) to understand the articulation between the different court levels.

Please follow the provided example wherever possible and note that the organigram will be used in the country profiles.

4 Judges, public prosecutors and staff

These questions deal with both the justice professionals entrusted with the task of delivering or participating in a judicial decision and those who assist them from a legal but also organisational point of view.

Please indicate the actual number of posts filled for the reference year and not the statutory posts planned.

Please provide the data in full-time equivalent which indicates the number of persons working the standard number of hours (whereas the gross figure of posts includes the total number of persons working independently of their working hours).

4.1 Judges

For the purposes of this questionnaire, a *judge* must be understood according to the case law of the European Court of Human Rights. In particular, the judge decides, according to the law and following an organised procedure, on any issue within his/her jurisdiction. He/she is independent from the executive power.

Therefore, **judges deciding in administrative or financial matters** (for instance) **must be counted** if they are included in the above-mentioned definition.

The CEPEJ distinguishes in this questionnaire between professional and non-professional judges.

31. (Based on previous Q019) Number of professional judges in full time equivalent (FTE) sitting in courts, on 31 December of the reference year.

Professional judges are those who have been recruited, trained and remunerated as such.

The category of professional judges encompasses:

- Professional judges of all courts, both of general jurisdiction and specialised

- Court presidents (question 33) if they practise as judges

- Judges seconded or temporary assigned to other functions who continue to work as part-time judges (they should be taken into account in this question on an FTE basis)

- *Justices of the peace* should be included in this question if they are recruited, trained and remunerated in the same way as professional judges. Thus, in Belgium, justices of the peace follow the same recruitment procedure and training courses as professional judges; they are appointed to the same status as court of appeal councillors (same level of remuneration). They are therefore included in this question dedicated to professional judges. In Italy, on the other hand, justices of the peace are covered by a different legal framework from that of professional judges in terms of recruitment, status and remuneration. They therefore fall into the category of non-professional judges (see question 32).

The category of professional judges does not include:

- Professional judges sitting in courts on an occasional basis (*i.e*., judges with the status of "professional judges" and subject to the same legal framework (recruitment, training, salary, etc.), but who do not perform their duties on a permanent basis. These are generally professional judges who have retired and who are appointed to perform their duties as judges on an occasional basis after reaching the age limit.

  However, if your system has professional judges sitting on an occasional basis, please specify this in the comment and indicate their number (if possible, in FTE, if not, the gross figure) as well as whether they handle a significant proportion of cases.

- Judges seconded or temporary assigned to other functions (*e.g*., to the Ministry of Justice) and who do not practice as a judge during the reference year.

- Non-professional judges (see question 32).

Please specify the number of women and men who practice as judges at different court instances.

It is also required to break down the total number of professional judges by court instance. Please ensure that the replies are consistent with those to question 28 (number of courts). Thus, judges of first instance courts should be considered as first instance judges, those of courts of appeal should be categorised as judges of second instance and those of Supreme Courts - as judges of the highest instance. Concerning courts with jurisdiction to hear cases at different instances depending on the case type (*e.g*., courts that hear certain categories of cases at first instance and other categories at second instance) please provide data on their judges in full-time equivalent (FTE) for each instance in which the judge participates. If this is not possible, please categorise the judges according to their main activity and specify this in the comment.

32. (Based on previous Q022) Number of non-professional judges (e.g., lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury) on 31 December of the reference year.

For the purposes of this question, ***non-professional judges*** are those who sit in courts and whose decisions are biding, but who do not have the status of professional judges (within the meaning of question 31). Their recruitment procedure(s), terms of office and remuneration differ from those of professional judges.

The most common term used for non-professional judges is the Common Law term "*lay-judge*". More specific designations exist in certain judicial systems, such as "*juges consulaires*" in France and Belgium, "*conseillers prud'hommes*" or "*assesseurs*" in France, "*rechter-plaatsvervangers*" in the Netherlands, etc. Similarly, legal professionals (lawyers, law professors, experienced legal advisers, etc.) who do not have the status of "professional judges" and who may be appointed to sit in the courts for a fixed period fall into the category of non-professional judges.

- As for *justices of the peace*, they should be counted as non-professional judges when they are subject to a legal framework different from that of professional judges (they are recruited, appointed and remunerated in a different way from professional judges). In Belgium, for example, justices of the peace are recruited and trained in the same way as professional judges; they are appointed to the same status as court of appeal councillors (same level of remuneration). Accordingly, they are included in Q31 dedicated to professional judges. In Italy, on the other hand, justices of the peace are covered by a different legal framework from that of professional judges in terms of recruitment, status and remuneration. Consequently, they fall into the category of non-professional judges.

- Neither the arbitrators, nor the persons who have been sitting in a jury are concerned by this question.

Most of the time, non-professional judges sit on a panel made up of both professional and non-professional judges (*échevinage*). However, it is also possible for the non-professional judge(s) to sit alone without the presence of one or more professional judge(s).

Please provide the gross figure as well as data in full-time equivalent (the latter data will enable indicators to be calculated). It should be noted that the FTE data are of particular importance for states where non-professional judges render decisions alone, in the absence of professional judges, such as "*juges consulaires*" or "*conseillers prud'hommes*" in France. Insofar as the case flow of these non-professional judges sitting alone is an integral part of the number of cases communicated in the frame of questions 52 and following, their number should be taken into account in the analyses in the same way as professional judges. If the FTE data are not available, an estimate could also be made, specifying this in the comment.

33. (Based on previous Q019-1) Number of court presidents on 31 December of the reference year.

The ***court president*** must be understood as a judge or non-judge who is in charge of the organisation and the management of a court (considered as a legal entity). The presidents of chambers or divisions of the same court should not be taken into consideration in the frame of this question.

It is possible that the functions of a court president (organisation and management) are entrusted to one person (judge or non-judge) whose competence as president covers more than one courts (legal entities). In this particular situation, the number of court presidents will differ from the number of legal entities communicated in the frame of question 28, namely the former will be lower than the latter. States that present this peculiarity are invited to explain it in the comment.

Please note that court presidents are also included under question 31 if they continue to practise as judges.

Data should be communicated in terms of physical persons and not full-time equivalent

Please specify the number of women and men who are exercising the functions of court presidents.

4.2 Non-judge staff

34. (Based on previous Q026) Number of non-judge staff who are working in courts on 31 December of the reference year (please give the information in FTE and for posts actually filled).

All non-judge staff, working in all courts, must be counted here in full-time equivalent for posts actually filled. To better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the public prosecution services (Q40). If it is not possible to separate the number of non-judge staff and non-prosecutor staff, please answer NA and explain the situation in the comment.

For this question, the criteria to distribute staff among the different categories should be based on the functions they perform rather than their status under national law or employment status (for example temporary staff and trainees should also be included if relevant).

For this question, if the same person performs multiple functions, please count them in the category of their main activity.

The different categories are:

1. The "***Rechtspfleger***" **–** an independent judicial officer, performing the tasks assigned by law, who is not a judicial assistant but works within the court and may carry out legal tasks in various areas, e.g., family law and guardianship law, law of succession, and the law on the land register and commercial registers; in some states, may also have competence to make judicial decisions independently such as on the granting of nationality, payment orders, execution of court decisions, auctions of immovable goods, criminal cases, and enforcement of judgements in criminal matters, reduced sentencing by way of community service, prosecution in district courts, decisions concerning legal aid, etc.; in some states may also be competent to undertake administrative judicial tasks.

It is important to note that the term Rechtspfleger might be used for different professionals in court in different countries.

Based on the description of the duties of these different officers in your country (see question 35), you can distribute them in the category 1 (Rechtspfleger), 2 (Support of the judges' activities) or 3 (Support of the organisation and functioning of the court).

In Germany, Rechtspfleger are senior judicial officers who are civil servants of the judicial service. They have completed three years of legal training at a university of applied sciences and have passed the state senior judicial officers' examination. As the "second pillar of the third power," they primarily undertake tasks in the field of "voluntary jurisdiction," including inheritance cases, care cases, parent-and-child and adoption cases, land registry cases, commercial, cooperative and partnership register cases, as well as cases related to associations, the marriage property register, and the ship register. In addition, they are responsible for numerous other court activities, such as court payment demand proceedings, legal aid, compulsory enforcement, forced sales, coercive administration, insolvency cases, cost setting, execution of penalties, proceedings before the Federal Patent Court, and international legal transactions. Their scope of activities is regulated by the Act on Senior Judicial Officers (Rechtspflegergesetz, RPflG). Senior judicial officers are factually independent and bound only by law and order in performing their tasks and rulings, in the same way as judges (section 9 of the Act). Admissible appeals against their decisions exist in accordance with the general rules of procedure (section 11 of the Act).

In Austria, Rechtspfleger are judicial officers with special training and qualifications, assigned to handle certain first-instance civil law transactions. They act under the instructions of the responsible judge, who may take over the case at any stage. Rechtspfleger may only issue court orders; appeals against these orders are granted by judges, and cases can be submitted to a judge for review. Their competences include default actions, confirming the legal effect and enforceability of rulings, decisions on legal aid in court-clerk proceedings, and performing official acts upon judicial assistance requests. They have a significant role in forced collection and personal bankruptcy proceedings, maintain land and trade registers, and handle probate and custody (non-litigious) matters. Only court officers with a Matura (exit examination) or civil servant career exam, two years' court office experience, and passed court-office and special-service exams may train as Rechtspfleger. The training lasts three years.

In certain other countries, the Rechtspfleger may be empowered to undertake administrative judicial tasks. In many countries, judicial officers, such as the Rechtspfleger (or Spanish Letrados de la Administración de Justicia), hold limited decision-making powers in specific cases, such as enforcement or registration matters. These judicial officers handle their own cases and responsibilities, rather than assisting judges in adjudicating cases.

2. Support of the judges' activities: judicial assistants whose task is to *support judge/s* in their adjudicative work

This category mainly includes judicial assistants with legal education who directly support judges in their adjudicative work. Their responsibilities/judicial support include legal research, preparing and analysing case files, assisting judge/s during hearings, drafting legal documents, and contributing to the preparation of judicial decisions. These professionals do not make judicial decisions independently but play a key role in the decision-making process through their legal and procedural support.

Additionally, this category can also include administrative assistants who also might closely work with judges, assisting in tasks such as organising case files, preparing official versions of decisions, handling correspondence, collecting relevant documents and statistical data. While not directly involved in support to judges in their adjudicative work and there can be considerable overlap between their work and the work of judicial assistants, their work is strictly administrative.

Titles for such roles vary across jurisdictions and may include judicial assistants, law clerks (Sweden), legal officers (Cyprus), secretaries (Azerbaijan), *Referendare (Germany), Wissenschaftliche Mitarbeiter (Germany), référendaires (Belgium), or greffiers (Belgium)*.

This category excludes judicial officers such as *Rechtspfleger* who have independent decision-making authority in case they have been included under the previous category.

3. **Support of the organisation and functioning of the court:** staff in charge of administrative tasks and of the management of the courts

This category of staff plays a key role in the day-to-day functioning and management of the court in order to ensure smooth administrative operations. Additionally, they could also help organise various court services, such as supporting the court secretariat and managing key areas like, information and communication technologies (ICT), finances, budget, statistics, training and human resources. This category also includes the staff responsible for registering cases (initial case registration) in the court's computer system, overseeing the payment of court fees, preparing and archiving case files.

They are neither directly nor indirectly involved in providing support to a judge, unlike judicial assistants who perform such functions as described in category 2.

4. **Staff in charge of maintenance of court buildings**

This category includes non-judge staff responsible for the execution of technical, operational, and maintenance-related tasks that ensure the proper functioning and safety of court facilities. It covers staff such as cleaners, security personnel, canteen workers, as well as technical staff like electricians, maintenance workers, and other court technicians. Their work supports the overall infrastructure and daily operations of the court but is not directly connected to judicial or administrative decision-making.

If you outsource certain services or tasks to private or external providers, please ensure that staff hired by those providers are not included in this category.

5. **Other non-judge staff** includes all non-judge staff that are not included under the categories 1-4.

If other specific posts exist within your courts that do not fit into any of the above categories, please include them here and describe them in the comment.

If a considerable number of trainees are practising in your courts, their inclusion in one of the subcategories should be discussed with the CEPEJ secretariat during the data quality control process and decide on a case-by-case basis, depending on their tasks/functions/roles of these trainees.

35. If there are Rechtspfleger (or similar bodies), please briefly describe their status, exact duties and in which fields they have a role.

For example, the Rechtspfleger may have a role in the following fields: legal aid, family cases, payment orders, registry cases (such as land and/or business registry cases), enforcement of civil cases, enforcement of criminal cases, non-litigious cases, or any other cases not mentioned. In addition, please indicate how this profession is called in your country.

For definition of the *Rechtspfleger* see question 34.

4.3 Public prosecutors

36. (Based on previous Q028) Number of public prosecutors in FTE on 31 December of the reference year:

The *Public Prosecution* should be understood according to the following definition contained in Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system: "(…) authorities who, on behalf of society and in the public interest, ensure the application of the law where the breach of the law carries a criminal sanction, taking into account both the rights of the individual and the necessary effectiveness of the criminal justice system".

As for professional judges (Q31), the information should be provided in full time equivalent for posts that are actually filled (not the theoretic number of the statutory planned posts).

Please specify the number of female and male public prosecutors exercising at different levels of jurisdiction.

All public prosecutors must be accounted, including those having specialised functions (e.g., public prosecutor specialised in organised crime, terrorism, economic crime, etc.).

Please note that the heads of prosecution offices (question 38) are also counted under this question if they continue to practise as public prosecutors.

Conversely, professionals having similar duties to those of public prosecutors and who fall within the scope of question 37 **should not be included** in this question.

Specific attention should be given to public prosecutors who have a competence to act at different court instances. Please provide the data in full time equivalent (FTE) for each instance at which a public prosecutor acts. If this is not possible, please classify them according to the main instance in which they intervene.

37. (Based on previous Q029) If in your judicial system, other professionals have similar duties to those of public prosecutors please specify their number on 31 December of the reference year.

This question refers to professionals whose duties are comparable to those of public prosecutors and who participate in the exercise of public action alongside public prosecutors, but with limited responsibilities/competences compared to those of public prosecutors. Their competence may, for example, be restricted either by the severity of the criminal offence (e.g., the "Vice Procuratori Onorari" in Italy have competence to act before the court on minor criminal offences), by the level/type of courts before which they are enabled to act (the police investigate and prosecute cases before the Court of magistrates in Malta and before the Courts of summary jurisdiction in Ireland), or by the scope of the actions/measures they may take (in France, the "délégués du procureur" implement alternative measures to criminal prosecution, notify convicted persons of criminal orders, monitor the enforcement of penalties, represent the public prosecutor in local authorities, etc.; in Austria, the "Bezirksanwälte" are judicial officers with legal training and are enabled to act on behalf of the public prosecutor's office under the supervision of a prosecutor). These professionals may also be police officers with the power to bring cases before a court or negotiate sentences.

This category may imply the existence of a specific status enshrined in law and requiring individuals to practice their profession on a permanent basis. It is also possible that the exercise of certain powers of public prosecutors by other persons may result from a delegation by the public prosecutor's office to certain civil servants/legal professionals (in Belgium, the Attorney General may enable permanently appointed lawyers in the prosecution services to prosecute cases before the police courts in certain situations; in Switzerland, prosecutors may delegate certain investigative acts to legal clerks of the public prosecutor's office, under conditions laid down by law; in Poland, the public prosecutor may entrust an assessor of the public prosecutor's office with the exercise of certain prosecution activities for a fixed period not exceeding three years).

On the other hand, the scope of this question does not cover lawyers that bring charges to a criminal hearing and victims who can go directly to the judge without having the public prosecution services intervene.

If this category exists in your judicial system, please indicate the gross figure as well as the number in full-time equivalent (FTE) and provide any additional information that may be useful in understanding their status, including their title and specific duties.

The number of professionals who have similar duties to those of public prosecutors should not be included within the number of public prosecutors communicated in the frame of question 36.

38. (Based on previous Q028-1) Number of heads of prosecution offices on 31 December of the reference year:

For the purposes of this question, a ***head of public prosecution office*** should be understood as a public prosecutor (or non-public prosecutor) who is in charge of the organisation and management of a prosecution office (considered as a legal entity). The heads of organisational units within a single public prosecutor's office should not be taken into account here.

Please note that the heads of prosecution offices are also counted under question 36 if they practise as public prosecutors.

Data should be communicated in terms of physical persons and not full-time equivalent.

In order to better understand gender issues in the judiciary, please specify the number of women and men who are exercising the functions of heads of prosecution offices.

39. (Based on previous Q162 – 162-5). Please explain if a specific instruction can be given to a public prosecutor to either prosecute or not prosecute a case, and if there are any exceptions. Please also specify the details of these instructions and/or exceptions.

This question aims to examine the functional independence of public prosecutors in the exercise of their powers. Only instructions issued in the context of the prosecution of an individual case are relevant to this question. Both situations – instructing prosecution or, conversely, instruct not to prosecute – fall within the scope of the question. Conversely, instructions of a general character that might be issued, for example, by the Minister of Justice in the context of the implementation of the criminal policy do not fall within the scope of this question. The same applies to general instructions issued or priorities in criminal policy defined by the Attorney General outside the context of any individual case.

First, please specify the situation in your country, *i.e.*, whether in an individual case specific instructions (to prosecute or not to prosecute):

- may be addressed to public prosecutors because national law does not prohibit such instructions
- may be addressed to public prosecutors because even if the national law prohibits such instructions, exceptions to this rule are provided for by law
- are completely prohibited by national law

Secondly, please specify the authority or authorities empowered to issue such instructions and describe the characteristics of these instructions. In particular, whether they are issued in writing or orally, whether they are reasoned, mandatory, optional, recorded in the file, and any other information useful for understanding the specific situation in your country. If possible, please also indicate the frequency with which such specific instructions are issued in practice (exceptional, occasional, frequent, systematic).
Finally, it is important to specify whether a public prosecutor who has received a specific instruction in an individual case under his/her responsibility has any means of challenging those instructions, namely the possibility of appealing within the public prosecutor's office or to an independent body, or the right not to comply with the instructions, or any other means of opposing them.

39-1 (Based on previous Q162-4-1) How many specific instructions addressed to a public prosecutor to prosecute or not were issued in the reference year?

This question aims to collect quantitative information on the number of specific instructions issued in individual cases, as defined in Question 39. Please indicate the total number of instructions addressed to public prosecutors in the reference year, whether to prosecute or not to prosecute, regardless of the authority issuing them, and possibly covering the entire public prosecution system.

4.4 Non-prosecutor staff

40. (Based on previous Q032) Number of non-prosecutor staff attached to the public prosecution services on 31 December of the reference year (please give the information in FTE and for posts actually filled).

This figure should not include the number of staff working for judges.

All non-prosecutor staff, working for the prosecution services must be counted here in full-time equivalent for posts actually filled. To better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the courts (Q34). If it is not possible to separate the number of non-judge staff and non-prosecutor staff, please answer NA and describe the situation in the comment.

For this question, the criteria to distribute staff among the different categories should be based on the functions they perform rather than their status under national law.

Moreover, if the same person performs multiple functions, please count them in the category of their main activity.

The different categories are:

1. **Support of the public prosecutor activities**: staff whose task is to assist the public prosecutor

This category includes legal assistants who directly support prosecutors in their work. Their responsibilities include legal research, assessing evidence, preparing and analysing case files, drafting legal documents, and supporting the preparation of procedural documents (e.g., indictments, motions or requests for investigative measures) and/or decisions. These professionals do not make decisions independently but play a key role in the decision-making process through their legal and procedural support. They may also support the prosecutor in interactions with the police or investigators.

This category can also include administrative assistants who also might closely work with prosecutors, assisting in tasks such organizing case files, preparing official versions of the documents, handling correspondence, collecting relevant documents and statistical data. While not directly involved in support to prosecutors in their work and there can be considerable overlap between their work and the work of legal assistants, their work is strictly administrative.

2. **Support of the organisation and functioning of the prosecution services**: staff in charge of different administrative tasks and of the management of the office

This category of staff plays a key role in the day-to-day functioning and management of the prosecution office in order to ensure smooth administrative operations. Additionally, they could also help organise various prosecution office services, such as supporting the prosecution office’s secretariat and managing key areas like information and communication technologies (ICT), finances, budget, statistics, training and human resources. Is also included in this category the staff responsible for registering cases (initial case registration) in the prosecution office's computer system, preparing and archiving case files.

3. Staff in charge of maintenance of public prosecution services buildings

This category includes staff responsible for the execution of technical, operational, and maintenance-related tasks that ensure the proper functioning and safety of prosecution services facilities. It covers staff such as cleaners, security personnel, canteen workers, as well as technical staff like electricians, maintenance workers, and other technicians. Their work supports the overall infrastructure and daily operations of the prosecution services but is not directly connected to prosecutorial or administrative decision-making.

If you outsource certain services or tasks to private or external providers, please ensure that staff hired by those providers are not included in this category.

4. Other includes all non-public prosecutors' staff that are not included under the categories 1-3.

If other specific posts exist within your public prosecution services that do not fit into any of the above categories, please include them here and describe them in the comment.

If a considerable number of trainees are practising in your public prosecution services, their inclusion in one of the subcategories should be discussed with the CEPEJ secretariat during the data quality control process and decide on a case-by-case basis, depending on their tasks/functions/roles of these trainees.

4.5 Recruitment of judges and public prosecutors

41. In the frame of the recruitments of judges and public prosecutors, please indicate the number of open positions, applicants and judges and public prosecutors actually recruited during the reference year.

The reply should include the total number of open positions, applicants and recruited persons following initial recruitment procedures of judges and public prosecutors completed within the reference year. In case there are more ways for recruitment in your country, please include all of them, except those which are rare and exceptional, and explain the situation in the comments.

The number of "opened positions", number of "applicants" and number of "recruited persons" should only include recruitment procedures that were finalised during the reference year, regardless of when these procedures started (for example, it might happen that some procedures started before the reference year). Specifically, applicants who applied during the reference year should be excluded if the recruitment procedure has not been fully finalised during the same year (reference year). This instruction should allow for a possibility to calculate a ratio between applicants and recruited persons.

The number of "applicants" should include all candidates who submitted a valid application and met the formal eligibility criteria defined in the recruitment notice.

If one candidate applies for several vacant positions through separate recruitment procedures each application should be counted.

42. New Is your country experiencing difficulties in recruiting judges and/or public prosecutors? In that case, have any measures been taken to remedy this issue? / In case your country does not experience any difficulties, what factors contribute to the attractiveness of these professions at national level?

This **open** question aims to understand whether your country faces challenges in recruiting judges and/or public prosecutors. If difficulties exist, please describe the nature of these challenges and any actions or strategies you have implemented to overcome them. Your detailed information will help identify common recruitment issues and effective practices to support recruitment of judges and public prosecutors at the national level of the member States.

Examples of possible measures taken to address recruitment difficulties or prevent them by making the profession appealing in your country, might be: increase of salary or other financial incentives, improving working conditions, workload reduction at the beginning of the career, other adjustments as part of the induction process for new judges, career development opportunities, social status etc.

If you do not experience difficulties in recruiting judges and public prosecutors, and these two professions enjoy a certain appeal compared to other legal professions, it would be very useful to explain the reasons and/or strategies aimed at maintaining their attractiveness.

4.6 Part time judges and public prosecutors

43. (based on previous Q46-1-1, Q46-1-4 and Q46-1-5): What arrangements or adjustments to working time or conditions are possible for judges and public prosecutors?

The main purpose of this question is to gather information on the different options available in your country for arrangements or adjustments to working time or conditions for judges and public prosecutors.

It should be noted that teleworking or flexible working time, which primarily concern the judge's and public prosecutor's ability to organise their own working day, are not covered by this question. Similarly, short-term special leave due to exceptional circumstances (e.g., sick leave for children) should not be taken into account here.

This question concerns the modalities of arrangements made with or without a reduction in remuneration.

"Part-time work" should be understood as requiring less working time than prescribed for full-time work of professional judges and prosecutors. Additionally, the remuneration for professional judges and public prosecutors working part-time is proportionally reduced in relation to the remuneration for full-time work.

Systems that do not provide the possibility for judges and prosecutors to work part-time often offer alternative options to adjust working time or conditions, while some states that do allow judges and public prosecutors to work part-time may also offer other additional adjustments of working time or conditions.

"Temporary reduction of the workload" may be granted to a judge and a prosecutor either by decreasing the number of cases a judge and a public prosecutor must resolve or by reducing the number of other tasks they are required to complete.

"Temporary reduction of the working time based on specific reason / special leave" – the temporary reduction of working time based on specific reason allows a judge or a public prosecutor to continue working but with fewer hours or working days for a specified period of time (e.g., 4 hours a day or 10 working days a month for a duration of 6 months and similar). On the other hand, special leave refers to situations where a judge or a prosecutor is granted a complete absence from work for a defined period of time, such as 6 months for childcare.

If none of the available options align with your system, or if additional measures exist in your country, please select the option “other measures” and provide an explanation of these other measures that are available in your country in the comment.

44. (based on previous Q46-1-3 and Q55-1-3) If part time work is possible, what is the number of professional judges and public prosecutors working part-time?

If the system allows for part-time work, the actual number of professional judges and prosecutors (indicated as the number of persons, not as a percentage of the total number or in FTEs) should be provided.

Please also specify, if available, the number of male and female judges and prosecutors.

4.7 Salaries of judges and public prosecutors

45. (Based on previous Q015) Salaries of judges and public prosecutors for the reference year:

This question collects data on the gross and net annual salary in euros of judges and public prosecutors, focusing on two different indicators: the salary at the beginning of the career (at a first instance court for a judge/public prosecutor; starting salary at his/her salary scale) and the salary at the end of the career (within the Supreme Court or the Highest Appellate Court). These indicators represent the salary for full-time work.

The purpose of this question is to illustrate the evolution of judges’ and public prosecutors’ salaries throughout their carrier - from entry-level positions (the very beginning when a person starts working as a judge/ public prosecutor) to the highest possible stage of career (depending on the court level (for most of the countries) or other factors such as years of experience (in Italy for example).

Please indicate the highest possible salary of a judge/public prosecutor at the highest level, but not the salary of the Court President/the Attorney General, even if no judge/public prosecutor reached this exact amount in the reference year.

The *gross* annual salary refers to the amount before any welfare contributions and deduction of taxes. (see question 4). The *net* salary is calculated *after* the deduction of welfare costs (such as pension schemes) and taxes (for those countries where they are deducted beforehand and automatically from the sources of income; when this is not the case, please indicate that a judge/public prosecutor has to pay further income taxes on this "net" salary, so that it can be taken into account in the comparison).

Please note that only financial benefits that are regularly paid to all judges/public prosecutors irrespective of their personal circumstances should be included in the amount (for example 13th month salary that is paid without exception to all judges/public prosecutors in the court).

To understand the system better, please describe in the general comment the data you provided in the table as well as how the salaries progress throughout the career of a judge/public prosecutor, what factors influence the level of salary etc.

Please also specify in the comment (under the question), if judges and public prosecutors receive any additional financial or non-financial benefits beyond their annual salary. For example:

- Special pension: more advantageous pension schemes than the general public pension system

- Housing: free or subsided housing, especially if assigned outside of their place of residence
- Benefits linked to personal circumstances (for example family allowances depending on the number of children)
- Productivity bonus: possibility for judges'/prosecutors' additional remuneration to be in relation to the number of decisions, quality of their work or any other productivity criteria
- Other financial benefits: any other financial benefits not covered by the categories above

4.8 Performance and evaluation of judges and public prosecutors

46. (Based on previous Q042 – Q081) Does your country implement a system for evaluating judges and public prosecutors? If yes, please select the relevant options (multiple replies possible).

This question aims at finding out more about the system of individual assessment of the work of judges and public prosecutors and to better understand its legal framework, scope, and application.

Please indicate for each category (judges and public prosecutors) whether the evaluation system is:

- **mandatory and formal:** a structured evaluation procedure regulated by law or other national regulations automatically applied to all judges or public prosecutors, even if some might be excluded from the evaluation (court presidents, heads of prosecution services).

- **optional and formal:** a structured evaluation procedure regulated by law or other national regulations that is not automatically applied to all judges or public prosecutors but is carried out in specific cases (promotion or upon request). The process follows formal rules and criteria, even though its application is not systematic or mandatory.

- **Informal:** refers to a non-structured process aimed at providing feedback or guidance. It does not follow a legally established framework and does not have formal consequences, but it may support professional development or internal discussions about performance (e.g., peer review, discussions with court/prosecutorial leadership).

- **based on quantitative criteria:** for instance, number of resolved cases, Clearance rate, compliance with procedural deadlines etc.

- **based on qualitative criteria:** for instance, reasoning quality, behaviour in hearings, legal knowledge, professionalism, ethics etc.).

In addition, please specify in the comment what are the quantitative and/or qualitative criteria used.

47. (Based on previous Q042 – Q081) Please describe the individual evaluation system of judges and public prosecutors in your country. In particular, indicate the frequency, the authority responsible, the categories of judges and public prosecutors evaluated, the purposes of the evaluation and other details.

Please briefly describe the evaluation system in place, addressing the following aspects:

- Frequency: please indicate the frequency of the assessment procedure, especially if the assessment periods differ depending on the career progress (e.g., annually, every few years, upon promotion etc.).

- Responsible authority: please identify the institution or authority responsible for conducting the evaluation (e.g., High Judicial Council, Prosecutorial Council, Court president, Prosecutor General, Ministry of Justice). If the responsibility to conduct the evaluation is outside the judiciary, please describe the situation.

- Who is evaluated: please indicate if the evaluation covers all judges/ public prosecutors, or only specific categories (e.g., those on probation, applying for promotion, without managerial responsibilities).

- Purposes for which the assessment results are used: please specify if the results affect the judge/ public prosecutor's career and how, can they result in disciplinary proceedings, etc.

If different systems apply to judges and public prosecutors, or across levels of jurisdiction, please explain each separately.

5 Other professionals

48. (Based on previous Q033) Total number of lawyers, enforcement agents, notaries and judicial experts practicing in your country (FTE).

This question is designed to collect **only** the number of lawyers, enforcement agents, notaries and judicial experts in your country. Please provide a separate number for each category according to the following definitions of these categories:

Lawyer

For the purposes of this question, lawyer refers to the definition of the Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer, as follows: a person qualified and authorised according to national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters.

Please note that legal advisors who cannot represent their clients in court; namely legal professionals who give legal advice and prepare legal documents but have no competence to represent litigants in courts, should not be included in the number of lawyers referred to in this question.

Enforcement Agent

In accordance with the definition contained in Recommendation Rec(2003)17 of the Committee of Ministers of the Council of Europe on enforcement of court decisions: the enforcement agent is a person authorised by the state to carry out the enforcement process irrespective of whether that person is employed by the state or not.

Please note this question only concerns the enforcement of decisions in civil matters (which include commercial matters and family law issues).

Notary

A notary is a legal professional authorised to perform certain official acts, primarily involving the authentication and certification of documents and legal transactions.

There are two different categories of “notaries”, who do not have neither the same competences and functions nor the same level of legal training.

“Civil law notaries” (in continental civil law States) are public officials appointed by the state who elevate legal acts to authentic instruments. They safeguard consent and protect individuals’ rights, playing a key role in preventing disputes through preventive justice.

“Notaries public” (in common law systems) have more limited roles, mainly witnessing signatures and authenticating documents, with less legal authority and training. Preventive justice is less central to their function.

Judicial Expert

There is no unified definition of the judicial expert, and the role and function of experts are very different depending on their position within the procedure, which varies especially between continental and common law systems.

This question applies to the number of accredited or registered judicial experts.

Several types of experts can be differentiated:

- “Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court” - these "**experts**" are mainly used in adversarial systems (in particular in common law countries) and are requested by the parties to bring their expertise to support the parties' argumentation. These experts are not to be confused with party experts who only have an obligation to their client and should be excluded from the data.

- “Experts appointed by the court or other authority independent of the parties” – they put at the judge's disposal their scientific and technical knowledge on issues of facts (for instance in forensic medicine, psychiatry, criminal sciences, biology, architecture, arts etc.).

49. Is legal representation in courts exclusively exercised by lawyers in (multiple replies possible)

These questions aim to measure the scope of the extent of exclusivity in legal representation and/or gather information about other persons entitled, depending on the type of cases, to represent clients before courts and to obtain details on their status. In some countries, legal representation by a lawyer is mandatory in criminal cases, whilst in other countries this might not be the case. A similar principle can be found in civil law cases. In certain countries, for civil cases with a small financial value there may not be the obligation to hire a lawyer to represent parties in such cases before the court.

If other persons can represent clients before the courts, please provide details in the comments (representation, may be possible by, for example, a family member, a relevant association, or a law school graduate employed by the represented company).

The answer to this question may vary whether first, second or third instances courts are considered (e.g., lawyers have exclusive rights to represent parties with respect to certain extra-ordinary legal remedies before the Supreme Court).

Dismissal cases should be understood as employment dismissal cases. Criminal cases are divided into two categories – where lawyers are representing the defendant (criminal defence) and where lawyers are representing the victim.

6 Gender equality

50. (Based on previous Q275 - 2279) Please describe if any measures or institutional bodies exist specifically in the judiciary to ensure gender equality for judicial professionals especially concerning recruitment and promotion.

This **open** question is dedicated to gender equality in justice systems. It aims to identify existing concrete measures and dedicated competent institutions facilitating gender equality **particularly in the field of justice**, either at national level, or at the level of courts/public prosecution services and do not include those applying generally to the whole public sector, including justice. Exceptionally, you may explain measures of general character if they have had significant impact within the justice system or refer to a norm of general character if a specific part of it targets exclusively the judiciary in more details.

In the frame of this question, the targeted groups of justice professionals are judges, court presidents, prosecutors, heads of prosecution services, non-judge and non-prosecutor staff, and possibly lawyers, notaries, enforcement agents.

The term "measure" should be understood widely and refers to any actions, initiatives, efforts aimed at ensuring gender equality. Some measures such as work life balance measures, existence of subsidies for childcare, establishment of social infrastructure and any other action aimed at making the justice professions more attractive for women could also be considered as measures fostering gender equality in the recruitment and promotion procedures (for more details see CEPEJ *Guidelines on gender equality in the recruitment and promotion of judges*.

Similarly, the term "institutional body" refers to any specific body, or person such as an equal opportunities commissioner, specifically established to deal with gender issues in the justice system either at national level or at a court or public prosecution services level (e.g., in terms of organisation of the judicial work). If such person/institution exists, please specify their title, status (e.g., whether they are independent), competences and tasks, particularly whether their function is consultative, or if their opinions/decisions have legal consequences (e.g., to suspend a decision). Furthermore, you may also indicate which issues fall within the competences of this person/institution, the duration of the mandate, whether it is renewable etc.

A very significant aspect of gender equality is ensuring balanced number of male and female professionals through the procedures of **recruitment**. In this respect, please specify if, for example, a system of quotas and/or similar systems of positive discrimination pursuing the aim of gender balance within a given justice profession exist in your country.

The **promotion** in this question should be understood as a procedure of upgrading the rank and/or salary following an application. For gender equality it is not only important how many professionals of different gender take positions, but also which positions they occupy within the system. Sometimes, despite equal numbers of professionals, there might be an unacknowledged barrier to advancement in a profession for one of the genders, the so-called "glass ceiling". In judicial systems, this phenomenon implies that the higher the instance level, the lower the number of women (and thus the percentage), but also reflects the difficulties to access functions of court presidents and heads of prosecution offices. In order to tackle this issue, please specify if you have introduced specific provisions for facilitating gender equality within promotion procedures of justice professionals. A court president and head of prosecution services are considered particularly important positions of responsibility, and therefore this type of promotion/appointment should also be specifically analysed.

It is noteworthy that the above mentioned CEPEJ *Guidelines on gender equality in the recruitment and promotion of judges* invoke the so-called “confidence gap”, when women subjectively undervalue their own competences and skills when assessing the compliance with the formal criteria for employment or promotion. In this respect, relevant examples of measures aimed at promoting gender balance could be trainings on developing soft skills that, in the end, can help every person to manage his/her work better or more efficiently and that would particularly benefit women who might have individual barriers, internalised bias that they are not competent for higher responsibility positions.

7 European Court of Human Rights

51. (Based on previous Q260-261) What follow-up is given at national level to the established violations by the European Court of Human Rights?

This question is about the follow-up that is given at the national level to the established violations of the Convention by the European Court of Human Rights (ECtHR). It focuses on actions taken at national level beyond the regular execution procedure managed by the state government and the Council of Europe’s Committee of Ministers.

Please choose among the following categories which follow-up actions exist in your country:

1. **Raising awareness and training initiatives**

Indicate if the following initiatives exist in your country: ECHR case-law is part of judges’ and prosecutors’ trainings; publication of relevant ECHR case-law on official judicial websites, such as those of the government, Ministry of Justice, or Judicial Council; submission of an annual report to Parliament detailing the implementation of ECtHR case law; inclusion of summaries or analyses of ECHR rulings in annual court reports; and any additional measures or initiatives aimed at raising awareness or improving compliance with the provisions of the Convention (e.g., official research or analysis conducted to identify the causes of violations, translation of judgments, organisation of study visits).

2. Information/dissemination of the ECHR case law within the judicial system

Please indicate whether and how information about relevant ECHR judgments is disseminated within your country’s judicial system, in particular before the highest instance courts. This includes the mechanisms and channels used to ensure that judicial and other public institutions are informed about the ECtHR case-law developments, enabling better compliance with the European Convention on Human Rights.

Dissemination activities may include but are not limited to: regularly distributing newsletters, bulletins, or official communications summarising recent developments in the case-law; holding internal information sessions; and ensuring that key stakeholders have timely access to relevant information.

Please specify in which institutions the dissemination of ECHR case-law information takes place.

3. Possible remedies (for the established violations of Articles of the Convention)

The states have a legal obligation to remedy the violations found but enjoy a margin of appreciation as regards the means to be used. The measures to be taken are, in principle, identified by the state concerned, under supervision of the Committee of Ministers. Measures to be taken may relate to the individual applicant or be of a general nature.

Please indicate which of the remedies are available in your country for the established violations of the Convention by the ECtHR.

Possible remedies may include but are not limited to:

- The right to claim damages before national courts (besides the just satisfaction due by the member State). This allows individuals to ask monetary compensation before domestic courts for harm suffered because of a violation.
- The right to have the case reopened before national courts. This enables applicants to request a reopening or review of their case at the national level, in light of the violation found by the ECtHR, potentially leading to a new examination of the facts or legal issues.
- The right to request annulment of the national court's judgment. This gives individuals the possibility to challenge and seek invalidation of the original domestic court decision that was found to be in violation of the Convention.
- Other: please specify any additional (not mentioned above) remedies available under national law that address violations identified by the ECtHR.

In case the remedies exist only in one matter (civil, administrative or criminal for example), please specify the situation in the comment.

Please provide a brief description of the selected options to help us better understand how your country ensures follow-up on the European Court of Human Rights' findings of violations. This includes the specific measures and mechanisms in place, as well as their impact on the national legal and judicial system in terms of addressing violations and promoting compliance with the Convention.

For observer States, please indicate NAP.

51-1 (Based on previous Q262) Number of applications against the country allocated to a judicial formation of the European Court of Human Rights during the reference year (Data to be provided by ECHR or Department of execution of judgments of ECHR)

51-2 (Based on previous Q263) Number of judgments delivered against the country finding at least one violation of the European Convention on Human Rights (Data to be provided by ECHR or Department of execution of judgements of ECHR)

51-3 (Based on previous Q263-1) Number of judgments delivered against the country finding at least one violation of the Article 6 of the European Convention on Human Rights (Data to be provided by ECHR or Department of execution of judgements of ECHR)

51-4 (Based on previous Q264) Number of cases considered as closed after a judgment of the European Court of Human Rights and the execution of judgments process (Data to be provided by ECHR or Department of execution of judgements of ECHR)

These data will be provided directly by the European Court of Human Rights and the department for the execution of judgments of the European Court of Human Rights.

8 Case flow of courts and public prosecution services

8.1 – 8.2 – 8.3 Courts case flow

The data collected in this part are used to calculate the two main CEPEJ efficiency indicators, the Clearance Rate and the Disposition Time and other, in order to measure the capacity of European judicial systems to deal with incoming cases brought before their courts and to estimate the theoretical time needed to resolve a pending case, taking into account the current pace of work of each judicial system.

The data collected in the frame of these questions cover the three main legal fields studied by the CEPEJ – civil, administrative and criminal – as well as the three instances of jurisdiction – first, second and final.

Cases (see definition below) dealt with by all courts – both of general jurisdiction and specialised – should be reported under these questions, by instance and by subject matter.

Question 60 focuses more specifically on the actual average duration of judicial proceedings calculated for the reference year, which would complement the CEPEJ's analyses mainly based on *Disposition Time*. The latter has the advantage of being less sensitive to extreme values that may affect the average.

Please note that for each row in the tables in questions 52 to 57 and 61, a special formula is used to ensure the horizontal consistency:
(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

52. (Based on previous Q035) Number of first instance "other than criminal" court cases.

53. (Based on previous Q038) Number of first instance criminal court cases.

54. (Based on previous Q039) Number of second instance (appeal) "other than criminal" court cases.

55. (Based on previous Q040) Number of second instance (appeal) criminal court cases.

56. Number of highest instance "other than criminal" court cases.

57. Number of highest instance criminal court cases.

Definition of cases

- A **court case** is a request/application submitted to a court in order to resolve a legal issue/problem/situation within the scope of its jurisdiction. A court case is usually registered separately in the court case register according to the national rules. Court cases typically end with a decision on rights and obligations of the parties (in civil and administrative matters) or with a decision on guilt of the defendants (in criminal matters). **Conversely**, administrative tasks in courts such as issuing criminal records certificates, document certification etc. should not be considered as court cases for the purpose of these questions.

  In general, the CEPEJ considers that a legal situation constitutes a single case regardless of the different stages (phases) of the domestic procedure, even if these stages are recorded as separate cases at the national level. For example, in criminal matters, a case may go through a preliminary phase before the investigating judge, a trial before another judge, and an enforcement phase carried out by the court, but it remains a single case despite these three procedural stages.

However, given the wide diversity of judicial organisation and procedural law in different countries, and with a view to ensuring the comparability of data, the CEPEJ focuses its analyses on "main cases", *i.e.*, those resulting from requests/applications submitted to the court in order to resolve a legal dispute/problem. You are therefore requested to report main cases in civil (litigious and non-litigious), administrative, and severe and minor criminal cases. These categories are those whose efficiency is analysed by the CEPEJ. As for proceedings that do not have an autonomous existence but are linked to a main case already counted in one of the above-mentioned case categories, they could be reported in the category "other" existing in each question dedicated to court case-flow.

Cases may be ***litigious***, implying the existence of a dispute between the parties that will be decided by a judge. ***Non-litigious*** cases refer to other cases falling within the jurisdiction of the court (generally, there is no direct dispute between the parties). These may include, for example, cases relating to name changes where there is no dispute, but the person concerned applies to the court to have the modification made to his/her civil status. The same applies to cases relating to registers where these fall within the jurisdiction of the courts (e.g., entries in official registers (such as correction of birth records), where the applicant requests the intervention of the court but there is no opposition.

Status of cases (incoming, resolved, pending)

- **Incoming** cases are defined as all cases brought to court within the reference year. Cases that after being appealed, are returned and re-examined by another judge at the same level of jurisdiction should be counted again as new incoming cases.

- ***Resolved*** cases are cases that have come to an end at the relevant instance of jurisdiction (first, second or highest instance) during the reference year by a court decision (judgment or other decision) that resulted in the termination of the proceedings.

- ***Pending cases*** are cases that have not been finalised by a court decision (judgment or another decision). Please specify the number of pending cases on 1 January of the reference year and the number of pending cases on 31 December of the reference year.

- ***Pending cases older than 2 years*** are pending cases (on 31st December of the reference year) that had first arrived at the court more than 2 years ago (*i.e.*, before 1st January of the reference year – 1). This reply concerns only the instance concerned (*e.g.*, for pending cases at second instance the date on which the case was brought before the appeal court is taken into account).

Court instances (first, second and highest instance)

- **First instance cases** (Q52 and Q53) are those brought before a court for the first time.
- **Second instance cases** (Q54 and Q55) result from appeals lodged against first instance court decisions.
- **Cases at the highest instance** (Q56 and Q57) are those dealt with at the last instance, and which can no longer be appealed.

Almost all member States have three instances of jurisdiction for civil and criminal cases. However, for countries with only two levels of jurisdiction, cases heard on appeal should be counted as last instance cases in questions 56 and 57, while the NAP reply should be selected for questions 54 and 55 relating to second instance cases. The same applies to administrative cases, for which several countries have only two levels of jurisdiction with first instance administrative courts and Supreme administrative courts.

Other than criminal cases (Q52, Q54 et Q56)

This category includes:

1. ***Civil and commercial litigious cases*** are cases falling within the scope of civil law that involve a dispute between parties (natural persons and/or legal entities governed by private law). Civil law covers all types of litigation, such as commercial law, bankruptcy law, labour law, contract law, civil liability law, intellectual property law, etc. Please indicate the number of civil cases that fall within the jurisdiction of the courts of general jurisdiction and that of the specialised courts (question 28). Administrative cases do not fall within this category but within category 3.

2.1. ***Non-litigious cases*** *(civil and commercial non-litigious cases, cases related to registries (land, business or other), other non-litigious cases)* relate to cases before the courts that are decided in a specific procedure that does not require two or more opposing parties to prove their rights and claims (there is no dispute between the parties). For example, this category includes uncontested claims, requests for a change of name, divorce cases by mutual consent, etc.

In certain member States, *registration tasks (business registers and land registers)* are dealt with by special units or entities of the courts. These are to be considered as non-litigious civil cases. Activities related to business registers could be the registration of new businesses or companies in the business register of the court or the modification of the legal status of a company. Changes in the ownership of immovable goods (like land or houses) may be a part of court activities which are related to the land register.

3. ***Administrative law cases*** (litigious or non-litigious) concern disputes between citizens and public authorities (local, regional or national), for instance: asylum refusals or refusals of construction permit. They are considered as administrative cases only if processed in courts of general jurisdiction or specialised courts (question 28) and not when it is only an issue under any administrative body. If a case is first dealt with by a public body/institution whose decision can be appealed before a court, the case brought before the court must be counted as a first instance case and not an appeal. Litigation before state institutions/bodies (other than courts) do not fall within the scope of questions 52, 54 and 56, even if in the national system they constitute the first stage of administrative proceedings.

In some states, administrative cases fall within the jurisdiction of administrative courts and tribunals dealing exclusively with such disputes, while in others they are dealt with by the ordinary civil courts. In the latter case, countries are asked to isolate cases opposing individuals to a public authority and to report their number in this category of "administrative cases".

4. The category "***other***" may concern other types of cases (not falling within the above categories). These may include, for example, cases relating to legal aid where the granting of such aid falls within the jurisdiction of the courts and requires decision by a judge. Additionally, proceedings that do not have an autonomous existence and are linked to main cases already reported as civil (litigious or non-litigious) or administrative cases should also be categorised here. This is the case for summary proceedings/interim measures taking place in the context of a main case and aimed at obtaining urgent measures.

Please note that tasks like certifying or authenticating documents, issuing apostilles, handling requests to start or stop mediation or arbitration, providing copies of birth, marriage, or death certificates, or giving certified copies of company papers are administrative tasks, so they should not be considered as court cases for the purpose of these questions.

Criminal cases (Q53, Q55 et Q57)

It should be noted from the outset that the scope of questions relating to criminal cases covers both adults and minors.

In criminal matters, the CEPEJ distinguishes between criminal cases brought before the court for trial (severe and minor criminal cases) and investigation proceedings when these fall within the jurisdiction of the courts.

In the first case, these are **all cases for which a sanction may be imposed by a judge following a trial** and which may be either “severe criminal cases” or “minor criminal cases”. All cases for which a sanction may be imposed by a judge should be counted here, even if in some national systems these sanctions fall under administrative law (*e.g.*, fines or community service). In the latter case, please ensure that these cases are not counted a second time under “administrative law cases” in the replies to questions 52, 54 and 56.

In the second case, these are investigation proceedings in countries where they fall within the jurisdiction of the courts (see category *Other criminal cases (Investigation cases in court)* below). Thus, states where investigation is the responsibility of the public prosecutor's office or another body and does not fall within the jurisdiction of the courts are invited to reply NAP for the category “Other criminal cases (investigation cases in court)”.

Moreover, offenses sanctioned directly by the police or by an administrative authority, and not by a judge, should not be counted (*e.g.,* penalty for parking in a closed area not contested before a judge, or failure to comply with an administrative formality not contested before a judge).

To differentiate between ***misdemeanour / minor offenses*** and ***severe offenses*** and ensure the consistency of the replies between different systems, the CEPEJ invites you to classify as *misdemeanour / minor all offenses for which it is not possible to pronounce a sentence of deprivation of liberty*. Conversely, should be classified as *severe offenses all offenses punishable by a deprivation of liberty (arrest and detention, imprisonment)*. If you cannot make such a distinction, please indicate how you distinguish between "severe offenses" and "minor offenses".

The category “***other criminal cases (Investigation cases in court)***” is exclusively dedicated to investigation proceedings when these are entrusted to courts by national law, namely to a judge other than the one who will hear the case at trial (e.g., an investigating judge). This category should only be completed by states whose criminal procedural law assigns investigation to courts rather than to the public prosecutor's office or another body. Countries where investigation does not fall within the jurisdiction of courts are invited to reply NAP for this category of “other criminal cases (investigation cases in court)”. Countries where the investigation phase and the trial phase are both within the competence of the courts, but cannot be separated, can reply NA for the categories “other criminal cases (investigation cases in court)” and “total (1+2+3)”, whilst entering the “subtotal (1+2)” and its components “severe offences” and “minor offences” and explain the situation in the comments.

On the other hand, motions/applications submitted to a judge by prosecutors during the preliminary phase of the trial with a view to authorising certain measures affecting individuals' fundamental rights (pre-trial detention, telephone tapping, house searches, etc.) do not fall within the scope of questions 53, 55 and 57. Decisions made by the judge in these situations should not be taken into consideration. Similarly, the execution phase of criminal cases also falls outside the scope of questions 53, 55 and 57. Finally, purely administrative services provided within courts, such as the issuance of criminal record certificates, the certification of documents, etc., do not constitute cases for the purposes of these questions.

Within questions 53, 55 and 57 it is required to communicate the subtotal of criminal cases corresponding to the sum of severe criminal cases (1) and minor criminal cases (2). This data enables the analysis of the efficiency of courts in criminal matters, regardless of the specific nature of national criminal procedures, ensuring the comparability of data at European level.

In addition, where relevant, the total for the three categories (1+2+3) should be indicated in order to illustrate the workload of the courts in criminal matters when the investigation phase is conducted by the courts in addition to the trial.

58. (Based on previous Q036 and Q037) Please describe the case types that are included in each category of the questions related to "other than criminal cases" at all three instances Q52, Q54 and Q56 (civil (and commercial) litigious cases, non-litigious cases, administrative cases, other cases). In case the content of these categories differs between instances please explain.

59. Please describe the case types included in each category of the questions related to criminal cases at all three instances 53, 55 and 57 (severe criminal cases, misdemeanour criminal cases, other criminal cases)**. In case the content of these categories differs between instances please explain.**

In the frame of these two questions you are required to briefly describe the content of each category of "other than criminal" (Q58) and "criminal" (Q59) cases presented in questions 52 to 57 in order to compare data of different countries in the most accurate way, to deepen the analyses of the efficiency of European judicial systems, while providing nuances based on the specific characteristics of some of them. These questions are mainly used for data quality control, but also for description of the specifics of different judiciaries presented in the CEPEJ analyses and CEPEJ-STAT.

For these two questions, please indicate the case types constituting each category in order to understand the different types of litigation included. It is preferable not to use national abbreviations from your internal registries, but rather the commonly accepted names for the various types of litigation (*e.g.*, labour law, family law, bankruptcy, misdemeanours, offences, crimes, etc.).

Finally, if the content of the categories varies depending on the court instance, please specify this in your reply.

8.4 Specific categories of cases

60. (Based on previous Q041) What is the average length of proceedings, for all instances for civil and commercial litigious cases, administrative cases and criminal cases (severe and misdemeanour cases)?

The data requested in the frame of this question should be provided in accordance with the definition of the term "case" given above. Thus, for the categories of "civil and commercial litigious cases" and "administrative law cases", you are asked to provide the average length of "main cases", excluding from the calculation cases that do not have an autonomous existence, communicated within the category "other" of questions 52, 54 and 56. For criminal cases, please provide the average length of criminal cases constituting the “subtotal (1+2)” of questions 53, 55 and 57 (severe and minor criminal cases), without taking into account the category “Other criminal cases (investigation cases in court)”.

The **average length at a given instance** is the average of the length of all cases resolved at that instance during the reference year. The average length of a case has to be presented in days. If you have information on the length of a case in months (or years), please recalculate the length of proceedings in days.

The **starting point** for the length of a case is the day on which it is brought before a court. In criminal matters, this is the day on which the case is submitted to a judge for trial, excluding the investigation phase, even though the latter might also fall within the jurisdiction of the courts. If the average length of proceedings is not calculated from the date on which the case is submitted to court, please specify the starting point for the calculation.

The **end point of the length** of a case corresponds to the definition of a “resolved case”, *i.e.*, a moment when a case was concluded during the reference year by a court decision on the merits. The execution stage is not taken into account in this question.

The **average length of the entire procedure** (in days) concerns only the cases resolved by a final decision within the reference year. The final decision should be understood as a decision against which legal remedies have not been used or have been exhausted, irrespective of which instance of courts has rendered this decision (a case can be finally resolved in the first, second or third instance). It is a mathematical average of the total duration of all these cases. If possible, cases reopened after the final decision (for example after extraordinary legal remedy) should be excluded from the calculation.

Other calculations are also possible and in case other methods of calculation are used, please describe them. Replacing the average duration with the Disposition Time is not correct.

Indeed, Disposition Time is an indicator representing the theoretical time needed to process a pending case, calculated using the following formula: the number of resolved cases during the reference year is divided by the number of pending cases at the end of the year and the result is multiplied by 365. Thanks to this formula, the Disposition Time is not affected by fluctuations related to exceptional circumstances in a given year (for example, a single case that has been pending for many years and has just been resolved during the reference year). This indicator benefits from a certain stability, thus enabling long-term analyses of the efficiency of judicial systems. On the other hand, the actual length requested in Q60 varies depending on the circumstances of each year and may therefore be subject to significant fluctuations, sometimes linked to a single case. The actual length is very important information for analysing the specific situation in the reference year.

Furthermore, replacing the average length of the entire procedure with the mathematical sum of the average lengths of the different instances is not methodologically correct, since not all cases systematically go to the highest instance or even to appeal.

61. (Based on previous Q041) First instance specific cases

This question aims to measure courts’ efficiency in relation to certain specific categories of first instance cases. The latter have been chosen as common categories (generally) in Europe to ensure better comparability of the data.

1. ***Litigious divorce cases****: i.e.*, the dissolution of a marriage between two persons, following a judgment of a competent court. The data should not include divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (divorce by mutual consent procedure, even if they are processed by the competent court) or ruled

through an administrative procedure. If your country has a fully non-judicial procedure as regards divorce or if you cannot isolate data concerning litigious divorces, please specify it and give the subsequent explanations.

2. ***Employment dismissal case***: cases concerning the termination of an employment (contract) at the initiative of the employer (working in the private sector). It does not include dismissals of public officials, following a disciplinary procedure for instance.

3. ***Insolvency***: legal status of a person or an organisation that cannot repay the debts owed to creditors. Data should include not only the court's formal declaration of bankruptcy or insolvency, but also the entire judicial process connected to it, including preparatory proceedings (such as pre-bankruptcy hearings), verification of insolvency, liquidation of assets, debt recovery, distribution to creditors, and judicial closure of the procedure.

4. ***Robbery***: is a theft of property from a person by force or immediate threat of force. If possible, these figures should include muggings (bag-snatching, armed theft, etc.) and exclude pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the robbery is either the only offence concerned, or the main offense concerned in the case.

5. ***Intentional homicide***: is defined as intentional killing of a person. Where possible the figures should *include* assaults leading to death, euthanasia, infanticide and exclude assisted suicide (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the intentional homicide is either the only offence concerned, or the main offence concerned in the case.

6. ***Bribery cases***: these cases should include criminal offences committed intentionally that sanction the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of the persons performing their official duties (such as public officials, members of parliament, judges etc.), for him or her to act or refrain from any acting in the exercise of his or her functions, as well as the request or receipt by any person performing their official duties, directly or indirectly, of any undue advantage or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions. The undue advantage might be for oneself or for anyone else. Both cases of active and passive bribery should be included here. The case should be counted here when bribery is either the only offence concerned, or the main offence concerned in the case.

7. ***Trading in influence***: these cases should include criminal offences committed intentionally involving the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person in the performance of their official duties (such as public officials, members of parliament, judges etc.), as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result. The undue advantage might be for oneself or for anyone else. Both cases of active and passive trading in influence should be included. The case should be counted here when trading in influence is either the only offence concerned, or the main offence concerned in the case.

8. **Laundering offences**: these are criminal offences consisting of acts committed intentionally and involving: the conversion or transfer of property, knowing that such property is proceeds,

for the purpose of concealing or disguising the illicit origine of the property or of assisting any person who is involved in the commission of predicate offence to evade the legal consequences of his actions; the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is proceeds; the acquisition, possession or use of property, knowing, at the time of receipt, that such property was proceeds; participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the above mentioned offences (article 6 of the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 8 November 1990).

9. **Child sexual abuse**: Article 18 of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the "Lanzarote Convention") defines "child sexual abuse" for the purposes of criminalisation as follows:

- engaging "in sexual activities with a child who, according to the relevant provisions of national law, has not reached the legal age for sexual activities" (article 18 (1));
- engaging "in sexual activities with a child where use is made of coercion, force or threats; or – abuse is made of a recognised position of trust, authority or influence over the child, including within the family; or – abuse is made of a particularly vulnerable situation of the child, notably because of a mental or physical disability or a situation of dependence" (article 18 (2)).

This category also includes the other behaviours set out at articles 19 to 23 of the Lanzarote Convention.

10. **Child pornography**: Article 20(2) of the Lanzarote Convention defines "child pornography" as "any material that visually depicts a child engaged in real or simulated sexually explicit conduct or any depiction of a child's sexual organs for primarily sexual purposes". Article 20(1) states that the following offences concerning child pornography should be criminalised:

A: producing child pornography;

B: offering or making available child pornography;

C: distributing or transmitting child pornography;

D: procuring child pornography for oneself or for another person;

E: possessing child pornography;

F: knowingly obtaining access, through information and communication technologies, to child pornography (please refer to Article 20 of the Lanzarote Convention and the Explanatory Report which further develops this provision).

See also the ***Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse***

As such, the terms "child sexual abuse" and "child pornography" cover a variety of offences, which may differ from state to state. If the definition of "child sexual abuse" and/or "child pornography" is different in your country, or if another term is used to cover similar offences, please clarify the legal definitions of these categories of offences provided for in your national legislations.

8.5 Prosecution case flow

62. (Based on previous Q041-3) Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases).

Are you able to separate the criminal cases for which the perpetrator is known from those for which the perpetrator is unknown?

As a preliminary step and in order to increase the comparability of data relating to criminal cases handled by public prosecution services, whose organisation and functioning vary considerably from one state to another, the CEPEJ considered it useful to distinguish between two situations: (1) states whose systems allow separating criminal cases where the perpetrator is known from criminal cases where the perpetrator could not be identified, and (2) states that are not able to make such a distinction. In the first situation, questions 62-a and 62-b should be replied, while in the second situation, question 62-c should be replied.

The distinction between cases where the perpetrator is known and those where the perpetrator is unknown is intended to enable the most accurate calculation of efficiency indicators, given that the work of the public prosecutor differs in the two situations. Often, when the perpetrator is unknown, the case is temporarily suspended by a procedural decision and remains so until the perpetrator is identified, or the statute of limitations expires. For this reason, analysing only the data on criminal cases where the perpetrator is known not only provides a more realistic picture of the actual workload of public prosecutors, but also improves the comparability of indicators such as the average case length (Disposition Time). Indeed, the treatment of cases with unknown perpetrators may differ significantly across countries — in some systems such cases may be closed after a few months, while in others they remain open for many years. This may strongly influence the calculation of average case duration and distort international comparisons.

If you reply to question 62-c, please explain in the comments why the distinction described above is not feasible.

62-a. (Based on previous Q041-3) Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases) <u>without cases for which the perpetrator is unknown.</u>

62-b. (Based on previous Q041-3) Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases <u>for which the perpetrator is</u> <u>unknown</u>.

62-c. (Based on previous Q041-3) Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases) where known and unknown perpetrators cannot be separated.

In the frame of these questions, the number of cases refers only to first instance criminal cases processed by public prosecutors.

It is important to note that criminal cases involving minors fall within the scope of questions 62 to 62-c and should therefore be taken into account in the replies.

Furthermore, traffic offences also fall within the scope of these questions, if they are cases for which prosecutors are responsible and on which they are working.

The data should be presented per “case” which means that an event or series of events that give rise to the criminal prosecution should be counted as one case irrespective of the number of alleged perpetrators (one or several) or offences (one or more criminal offences).

However, if this methodology cannot be applied, please present the data by “perpetrator”, specifying this in the comment. It is essential to use the same unit (per case or per perpetrator) to count all categories of cases (pending, incoming and processed (discontinued, concluded by a penalty, brought to court)) in order to ensure the consistency of the table.

1. “Pending cases on 1 Jan. ref. year” are cases which have not been completed at the end of the

previous year (reference year-1).

2. “Incoming/Received cases” should include cases submitted to public prosecutors by the police and other bodies as well as victims (if applicable) within the reference year. In the frame of question 62-c, this is the only category to be reported.

3. “Processed cases” include all cases that were completed during the reference year, *i.e.*, discontinued on the basis of a legally defined ground, concluded by a penalty or a measure imposed or negotiated by the public prosecutor, or brought to court for trial between 1 January and 31 December. Cases that have been suspended (on a provisional basis) and could not be processed should be reported as “Pending cases on 31 Dec. ref. year”.

3.1 “Discontinued” criminal cases are cases received and processed by the public prosecutor, which have not been brought before the court for trial, and which are closed without any penalty being imposed and without any measure being taken. They should include the following categories (3.1.1+3.1.2+3.1.3).

(3.1.1) “Due to the lack of an established offence” – these are situations in which the facts and evidence are insufficient to conclude that an offence defined by criminal law has been committed.

(3.1.2) “For reasons of opportunity” if the legal system allows it. The principle of opportunity gives the prosecutor the power to decide discretionary whether or not to prosecute a person suspected of having committed an offence. This principle contrasts with the principle of mandatory prosecution, which makes prosecution automatic in the event of an offence.

(3.1.3) Discontinued for “other reasons”: if, in your system, prosecutors have the authority to dismiss/close cases for reasons other than those listed in the above categories, please explain what these reasons are in the comments. In the frame of question 62-c, cases discontinued due to the expiration of the statute of limitations may be included here.

3.2 Cases “concluded by a penalty or a measure imposed or negotiated by the public prosecutor” refer to cases that are not brought before a judge for a trial on the merits, such as all settlements between the public prosecutor and the defendant. These proceedings must be reported here even when the agreement reached between the public prosecutor and the offender must be approved by a judge (a verification of compliance with the procedural conditions defined by law, not involving the opening of a trial with adversarial proceedings), such as guilty plea proceedings.

3.3 Cases « brought to court for trial » refer to all situations in which public prosecutors bring a case before the court for a decision on the merits through a trial.

4. Cases that are still being processed by the public prosecutor's office at the end of the reference year should be counted in the category “Pending cases on 31 Dec. ref. year”. In the context of question 62-c, cases that have been suspended because the perpetrator could not be identified should be counted here.

63-0 (Based on previous Q162-0) What is the status of public prosecution services?

This question should provide information on the status of public prosecution services, which may vary fundamentally from one member state to another.

Please briefly describe the status of public prosecution services in your system, which might have one of the following characteristics:

“Has an independent status as a separate entity among state institutions” – public prosecution could not be considered a part of any of the three branches of power but represents a separate entity with full independence;

“Is part of the executive power” – public prosecution is within the executive power without any guarantees of its functional independence;

“Is part of the judicial power but enjoys functional independence” - public prosecution is within the judicial power but has some guarantees that ensure a certain level of functional independence; please describe the extent and guarantees of this independence;

“Has other status” – if public prosecution has a status that cannot be described by any of the above characteristics, please explain it.

In addition, if the public prosecution enjoys a certain level of independence, please specify in the comments in particular objective guarantees of this independence (such as e.g. funding, appointment procedures, accountability). Furthermore, please mention the legal basis of these guarantees (Constitution, laws, or other regulation).

For definitions, principles and terminology, please refer to the CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors.[1]

63. (Based on previous Q041-1 and Q041-2) Please select the different roles of the different authorities involved in a pre-trial stage of criminal proceedings (multiple options possible).

Before a case is brought to court by the public prosecutor, the investigation is organised differently depending on the legal systems of member States. For the most accurate analyses of Q62 data on cases dealt with by public prosecutors, it is important to understand the way a criminal case evolves at the pretrial stage of the proceedings. This question is aimed at acquiring knowledge on the peculiarities of the public prosecution services, namely on how public prosecutors’ work is coordinated with the roles and functions of other justice professionals involved in the criminal investigation before the trial.

On the one hand, you are asked to identify all authorities intervening at the pretrial stage of criminal proceedings by selecting the appropriate options on the table. On the other hand, you are required to explain in the comment their specific roles/functions and how their activities are coordinated with the one of a public prosecutor.

The replies to this question should bring knowledge on the possible evolution of a criminal case from the date of the victim’s complaint to the date the case is terminated by the public prosecutor either by dismissing it, or by a penalty or a measure imposed or negotiated by him/her, or by referral to court. Namely, it is essential to learn before which authority the complaint is submitted, at which stage the public prosecutor starts working on the case, which authorities intervene before the public prosecutor starts working on the case, which authorities act under the supervision of the public prosecutor, which authorities act in parallel to the public prosecutor, to what extent the police is involved in the investigation and how its activity is coordinated with those of public prosecutors, etc.

“**Receive a complaint**”: please indicate the competent authorities to receive complaints that may lead to criminal proceedings.

“**Initiate investigation**”: please, select the relevant options in respect of the authorities enabled by law to initiate, i.e., to start investigation on facts likely to constitute criminal offence according to the national criminal law.

“**Conduct investigation**”: please indicate which authorities carry out in practice the investigation acts (*e.g.*, visiting the crime scene, gathering physical evidence, reconstructing the events, conducting searches and seizures, intercepting of telephone communications, carrying out expert analysis, etc.).

[1] https://rm.coe.int/168074738b

"**Supervising investigation**": this option implies to indicate the authorities that do not conduct in practice the investigation acts but only overview their implementation, ensuring compliance with the law. For example, in some systems, the police act under the supervision of a public prosecutor. Moreover, it is frequent that decisions on pre-trial detention, as well as decisions on investigation measures particularly intrusive into the personal freedom of accused persons taken by the police, the prosecutor or another body (e.g., telephone tapping, etc.) must be approved by a judge.

"**Dismiss a case at the pre-trial stage**": if in the frame of the investigation it is possible to end/close (terminate) a case without any penalty being imposed and without any measure being taken, please specify which authorities are competent to do so.

"**Bring a case to court**": this option concerns the authorities competent to submit a case before the court for a trial in order to obtain a decision on the merits.

"**Decide an alternative to prosecution**": if your system provides for the possibility to resort to alternatives to prosecution, please, specify which authorities are entrusted by law to decide on such measures.

"**Close a case by imposing or negotiating a penalty or measure**": please indicate the authorities competent to negotiate with the defendant at the pre-trial stage in order to avoid a trial before the court. These include for example, all transactions with the defendant, no matter if the agreement reached must be approved by a judge (a verification of compliance with the procedural conditions defined by law, not involving the opening of a trial with adversarial proceedings), such as guilty plea proceedings.

64. (Based on previous Q041-4) If the guilty plea procedure exists, how many cases were concluded by this procedure?

Regarding guilty plea procedures, there are two options that should be differentiated based on the moment in which a case has been concluded by this procedure. The option "Before the main trial" should be selected always when a guilty plea agreement has been concluded before the official start of the main trial, even if the agreement must be subsequently validated by a judge and/or court as long as this procedure did not involve opening of the main trial. Conversely, whenever a guilty plea agreement has been concluded after the official start of the main trial, it should be counted under "During the main trial".

9 Mediation

65. (Based on previous Q253) Does the judicial system provide for mandatory court related mediation with a mediator in some fields?

65-1 (Based on previous Q254) In some fields, does the legal system provide for mandatory informative sessions with a mediator?

According to the CEPEJ, court-related mediation is a mediation which is initiated or carried out by a judge or a public prosecutor or court staff who facilitates, directs, advises on or conducts the mediation process. Such mediation may be mandatory either as a pre-requisite to the institution of proceedings or as a requirement of the court during the proceedings.

For certain types of disputes or legal areas, procedure codes may require that an initial mandatory mediation meeting, or a mandatory informative session with a mediator, or full mandatory mediation be conducted beforehand in order to be able to go to court. Furthermore, in some procedures, the judge to whom a case is addressed may order a mediation at the beginning of judicial proceedings or during these proceedings. If this is the case, please specify in which situations such rules are applied.

65-2 (Based on previous Q255) Please specify, by type of cases, who provides court-related mediation services:

This question aims to clarify who acts as mediator within court-related mediation, that is, mediation which is initiated, ordered, supervised or otherwise connected to the court system. Even when mediation is conducted by external actors, it remains "court-related" only if it forms part of a judicial procedure or a procedure required before access to court.

For each type of case listed in the table, please indicate which actors may conduct court-related mediation:

Private mediators: Locally accredited/registered professionals with a mediation specialisation, who may conduct a mediation process when the mediation has been ordered, proposed, supervised, or required by the court or prosecution services.

Public authority (other than the court): Public bodies (e.g., social services, child protection authorities, administrative mediation centres) that may conduct the mediation in the context of court-related mediation.

Judge: Judges who are authorised in your system to conduct or lead a mediation as part of judicial proceedings.

Public prosecutor: Where permitted, prosecutors who may carry out mediation within criminal proceedings or restorative justice schemes.

"NAP" indicates that court-related mediation does not exist or is not applicable.

For the purposes of this question, "civil cases" exclude family, consumer and employment dismissal cases, which have dedicated rows.

If court-related mediation is available only in specific courts, regions, or sub-types of cases, please clarify this in the comment box.

65-3 (Based on previous Q256) Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Please indicate whether a party may benefit from court-related mediation services through a legal aid scheme (as understood in Section 3.2 "Legal Aid") or whether court-related mediation is offered free of charge to the parties, through other means. For example, in certain countries, mediators might participate in pro-bono mediation programs within the court, in which they offer their services free of charge, or might be compensated by some other means.

Please explain the various possibilities which exist in your system.

66. (Based on previous Q257 and Q257-1) Number of accredited or registered mediators for court-related mediation.

Please indicate the number of accredited or registered mediators, either by the court or by another national authority or an NGO. The purpose of this question is to have an objective basis for counting the number of mediators.

Please indicate all legal requirements a person has to fulfil in order to qualify for an accredited or registered mediator. In particular, please describe educational requirements (such as degrees required, special trainings on mediation etc), as well as previous working experience requirements (such as certain number of years of working experience in a specific field). If there are other requirements, please also include them (for example nationality, age, clear criminal record and similar). Furthermore, please explain the procedure for becoming a mediator and particularly describe the different steps of this procedure (such as application, selection, accreditation/registration), as well as responsible institutions involved.

67. (Based on previous Q258) Number of court-related mediations.

The purpose of this question is to understand in which field court-related mediation is most commonly used and considered as a successful process.

For the purposes of this specific question, "civil cases" exclude family cases, consumer cases and employment dismissal cases, to be separately addressed in the specific rows further in the table.

In the category "Number of cases for which the parties agreed to start mediation" please indicate the number of cases in which an agreement to mediate has been concluded in the reference year.

In the category "Number of finished court-related mediations" please indicate the number of cases which terminated in the reference year (whether by a settlement agreement, a party or both parties deciding to stop mediation, a mediator deciding to terminate the mediation, or any other reason).

In the category "Number of cases in which there is a settlement agreement" please indicate the number of mediation cases conducted within the reference year, in which the parties have reached a settlement agreement.

67-1. (Based on previous Q259) Do the following alternative dispute resolution (ADR) methods exist in your country:

Court Related Mediation should be differentiated from other Alternative Dispute Resolution procedures, in particular:

Mediation (other than court related mediation): Structured and confidential process in which an impartial third person, known as a mediator, assists the parties by facilitating the communication between them for the purpose of resolving issues in dispute.

Conciliation: Confidential process by which an impartial third person, known as a conciliator, makes a non-binding proposal to the parties for the settlement of a dispute between them.

Arbitration: Procedure by which the parties select an impartial third person, known as an arbitrator, to determine a dispute between them, and whose decision is binding.

"*Other ADR*": may refer to, for example, negotiated agreement, collaborative law, collaborative practice, hybrid processes, assistance of an ombudsman, early neutral evaluation, etc. Processes in different countries may vary in both design and terminology.

10 Reforms

68. (Based on previous Q288) Please provide information on the current reforms focusing on the main priorities regarding the functioning of justice in your country and specify their status (planned, under discussion, adopted, implemented).

Please indicate general or more specific information on the on-going reforms to be carried out to improve the quality and the efficiency of justice. Please focus on important reforms and developments/evolutions that are more than ideas but already in the planning, adoption or implementation phase. Please consider for example (but not limited to) the following topics:

- Budget
- Courts and public prosecution services (competences and organisation, structural changes (e.g., reform of the judicial map), etc.)
- Access to justice and legal aid
- Legal professionals (organisation, competence, gender equality, training, etc.).
- Civil, criminal and administrative reforms
- Mediation and other alternative dispute resolution measures
- New information and communication technologies and digitalisation
- Other

69. New What are the main current challenges of your judicial system?

The aim of this **open** question is to provide an overview of the main challenges concerning the efficiency and quality of the public justice service, ultimately impacting its users in order to get a picture of the common problems faced by judicial systems in the Council of Europe member States.

Please identify and describe in your answer the most significant issues or obstacles currently facing your country's judicial system. These challenges may concern various aspects such as access to justice, budget, digitalisation, case flow and backlog, or other factors (such as for example human resources, demographic and economic or even external (sanitary situation, war)) that affect the fair and effective functioning of the judicial system. Your answer should focus on the issues specific to your country's context and could reflect the priorities of different stakeholders and for which there are official documents, strategies, progress reports, evaluation reports listing also on the challenges that judiciary is facing.

The CEPEJ-GT-EVAL is aware that this question has a subjective aspect and could also have some political implications.

However, please note that the information you provide in this question will not be used in the yearly CEPEJ report nor shared on CEPEJ-STAT but will mainly help the CEPEJ-GT-EVAL to choose the topic of a possible thematic report. Therefore, the replies do not need to be exhaustive or necessarily covered by a reform project.

11 Training

Please note that the set of questions related to the budget of training institutions has been moved to the "budget" section above.

11.1 Training

70 (Based on previous Q143 and Q143-1) Types of different trainings offered to judges:

71(Based on previous Q144 and 144-1) Types of different trainings offered to public prosecutors:

These questions aim to better understand the different types of training offered to both judges and public prosecutors. For each training category listed below, please indicate whether, in your system, the training is compulsory for all, compulsory for some, or optional for the relevant professional group.

- "**Compulsory for all**" should be selected when the training is mandatory for every judge or every public prosecutor concerned.
- "**Compulsory for some**" should be selected when the training is mandatory only for a specific subset of judges or public prosecutors (e.g. only newly appointed staff, only court presidents or heads of prosecution offices, only those exercising specialised functions). In this case, please provide an explanation in the comment box indicating for whom the training is compulsory and under which conditions.
- "**Optional**" refers to trainings that may be attended voluntarily and are not required for the performance of judicial or prosecutorial functions.

Initial training
Includes all training activities organised at the beginning of the career, aimed at providing essential theoretical and practical knowledge and skills. Depending on the system, initial training may take place before appointment (for candidate judges/prosecutors) or after appointment (for newly appointed judges/prosecutors).

General in-service training
Includes all training topics of a general nature offered as part of the annual in-service training calendar or programme.

In-service training for specialised judicial functions
Covers training on specific areas of law requiring specialised knowledge and skills (e.g. commercial or administrative matters, juvenile justice, family law, bankruptcy, organised crime), applicable to judges and public prosecutors performing specialised tasks.

In-service training for management functions of courts/prosecution offices
Includes training activities addressed to court presidents, heads of prosecution offices, or other holders of managerial responsibilities (e.g. leadership, human resources, budget management, communication).

In-service training for the use of computer facilities in courts/prosecution offices
Includes basic ICT training and training on digital tools used by the judiciary, such as case management systems and other electronic applications.

In-service training on ethics
Covers standards and norms governing professional conduct for judges and public prosecutors, aimed at ensuring independence, impartiality, integrity, and the avoidance of impropriety.

In-service training on child-friendly justice
Includes training aimed at strengthening competences for handling cases involving minors, including communication with children and knowledge of children's rights and access to justice.

In-service training on gender equality
Refers to training that increases knowledge about gender inequalities or discrimination, promotes gender-sensitive adjudication, and improves understanding of gender-based issues.

In-service training on prevention of corruption
Includes training specifically designed to prevent corrupt practices and promote integrity within the judiciary and prosecution services.

In-service training on prevention of conflict of interest
Covers training on identifying, managing, and preventing situations that may give rise to conflicts of interest.

Other in-service training
Refers to any training not covered by the categories above. Please specify the type of training in the comment box.

72 (Based on previous Q146-1) Do you have a minimum number of compulsory trainings:

Please indicate here data on minimum number of compulsory trainings and/or minimum days of compulsory trainings. In some countries, compulsory trainings might be fixed by a minimum number of trainings to be attended by judges and prosecutors or by minimum training days to be met by judges and prosecutors. If mandatory trainings are imposed only to some categories of judges/prosecutors and not to others, this should be noted in the comment section.

"Initial training" includes all trainings at the beginning of a career aimed at providing fundamental theoretical and practical knowledge and skills for performing a function of a judge/public prosecutor. Depending on the system, the initial training can be organised after the appointment (in-service training for already appointed judges/public prosecutors) or before the appointment (for candidate judges/public prosecutors). In some systems, successful finalisation of the initial training is a requirement for applying to a position of a judge/public prosecutor.

In the case of initial training, the total number of the initial trainings and/or days should be included in the initial training programme. If there are different recruitment procedures for judges/prosecutors in your country, involving different training programmes, please indicate this in the comments; the answer in the table should correspond to the training requirements for the main recruitment procedure.

For the in-service training the minimum number of trainings and/or days per year should be provided. If the minimum number of trainings and/or days per year are progressively decreasing with increasing seniority, the number at the beginning of career should be entered, and it should be specified in the comment.

73 (Based on previous Q147) Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training.

A "live" training shall be understood as a training conducted in real time. This means that trainers and participants are physically present in one location or in several locations connected through digital tools. All formats of real-time training, such as in-person (face-to-face), hybrid formats, and video-conference sessions, must be reported in the first two columns of this question. The key characteristic is that these trainings take place **in real time**.

The first column requires the **number of delivered live trainings**, meaning the total number of live sessions effectively organised during the reference year. If the same live training course is organised several times during the reference year, each repetition should be counted separately in this column.

The second column requires the **number of days of delivered live trainings**. A training day shall be understood as one working day. Half-day sessions should be reported as 0,5. For example, a 3-day training delivered 10 times during the reference year should be reported as follows: **10 delivered live trainings** and **30 delivered training days**.

The third column (Number of internet-based trainings available on the e-learning platform) refers to all trainings that are delivered **online and not in real time**. These include trainings accessible through learning platforms (LMS), webinars, podcasts, downloadable lessons, and other digital self-learning tools. These are asynchronous trainings that can be followed by users at their own pace and at any time.

If a training is organised for more than one category of participants (e.g., a joint training for judges and prosecutors), it should be counted **under each category concerned** (as one training for judges and one training for prosecutors), but **only once** in the "Total" row. Consequently, vertical consistency is **not required** for this question.

74 (Based on previous Q147-1) Number of participants in the trainings during the reference year

Please apply the same interpretation as in Q73 regarding the definition of different training formats when counting the participations to the trainings.

Namely, in the first column (Number of participants in live trainings) only participants in real-time trainings should be counted, corresponding to second column of Q73.

In the second column, the number of participants in internet-based trainings provided by training institutions should be counted.

In case the same person participated in several trainings, please count each of his/her participations.

75 (Based on previous Q147-2) Number of unique participants of the trainings during the reference year

"Unique participants" in this questionnaire shall be understood as the number of different persons attending a training. For instance, if a participant attended different trainings in one year, he/she should be counted only once. The aim is to count how many individuals were trained during the reference year (disaggregated by males and females, where possible).

76 (Based on previous Q147-3) Number of internet-based trainings on other e-learning platforms and number of participants

In this question should be counted the number of "internet-based" trainings completed on other e-learning platforms (HELP, EJTN, UN...), and the number of participants.

These trainings are not organised in real time (live) and can be used/downloaded by users/participants at any time. These trainings could also be classified as asynchronous e-learning tools.

77 (Based on previous Q148) If in-service training is compulsory for judges, are sanctions foreseen if judges do not attend the training sessions? If yes, please specify.

78 (Based on previous Q149) In-service training is compulsory for prosecutors, are sanctions foreseen if prosecutors do not attend the training sessions? If yes, please specify.

In-service training includes various forms of trainings provided during the judges'/prosecutors' mandate. The term sanction should be understood in the broadest sense possible, such as a financial penalty, a delay in career progression, temporary restrictions on access to promotion or specialised functions, etc.

Compulsory training should be understood as a training that judges/prosecutors are legally or regulatory required to attend by a law/regulation (for example mandatory training for adjudicating cases that involve minors in some countries).
This question refers only to the compulsory trainings that were dedicated exclusively to prevention of corruption and conflict of interest, even if a training addressed only one of these two areas.
If the same training(s) included both judges and prosecutors as participants, please tick both boxes and provide an explanation in the comment area.

79 (Based on previous Q153) Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

This question aims to determine whether prosecution offices have **specially trained prosecutors** in the areas concerned. "Specially trained" should be understood as prosecutors who have completed **specific and targeted training** on the relevant subject matter and who are **designated, authorised, or expected** to handle such cases on the basis of this specialised training.

The general availability of initial or continuous training on these topics is **not sufficient**. The question seeks to identify systems in which **specialised prosecutorial functions exist in practice**, meaning that specialised training is a prerequisite (formal or practical) for dealing with these cases.

If the specialised training includes components specifically dedicated to cases involving minor victims, please select "Yes, specifically for minor victims".

If relevant, please clarify in the comment box whether the specialisation is formal (required by law/regulation) or functional (required in practice), and provide any additional useful information on how such specialised roles are organised.

11.2 Training in EU law and ECHR

In this section, please equally follow the definitions on formats of trainings and 'participants" provided in Section 11.1 above for both judges and prosecutors.

Questions 80 to 82 focus on training on EU Law for judges and prosecutors in the reference year.

80 (Based on previous Q154) Please provide the number of delivered live trainings (in-person hybrid, video conference) and internet-based trainings and the number of days of delivered trainings on EU Law for judges and prosecutors.

The first column asks for the total number of delivered live trainings on EU Law (in any of the following formats: in-person, hybrid, video conference) for judges and prosecutors, respectively, funded by the national budget and (international) co-operation programmes. Please provide, to the extent possible, the full list of delivered EU Law trainings, which were counted in the table, separately by judges and by prosecutors (or as one list if both categories attended the same trainings). Examples of such trainings could include (for guidance only): training on EU tax law, EU data protection, Family Law in EU, Judicial co-operation in criminal matters. Please respond NAP if EU Law trainings are not part of the Judicial training institutions' curricula and/or have not been delivered by other external partners (national or international organisations).

The second column asks for the number of days of delivered live trainings. A training day shall be understood as one working day. Please include also half-day trainings as half-days in your calculation. Therefore, if a training lasts for two half-days, please calculate as one. Please respond NAP, if your response in the first column is NAP.

The third column asks for the Number of internet-based trainings on EU Law available on the e-learning platform of the national training institution. Please do not report here the internet-based e-learnings available/followed on other (national and/or international) training institutions' platforms.

81 (Based on previous Q154-1) Number of participants in live trainings and internet-based trainings on EU Law

In the first column, please report only participants (judges and prosecutors) in live trainings on EU law (in any of the following formats: in person, hybrid, video conference). Please report NAP, if trainings on EU Law are not part of the national curricula for judges/prosecutors and/or have not been delivered by other (national or international) partners/donors.

In the second column, please report the number of participants in internet-based trainings provided on the e-learning platform of the national training institution (not live). Please do not report the number of participants in internet-based trainings on other (national or international) trainings institutions' platforms.

82 (Based on previous Q155)

This question aims at identifying the number of the trainings on EU Law reported under Questions 80 and 81 organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects). Please follow the same requirements/definitions in terms of reporting the number of delivered live trainings, the number of days of delivered live trainings, as well as the number of internet-based trainings available on the e-learning platform of the training institution. If the trainings have been funded in the framework of co-operation programmes but they are not available on the learning platform of the national training institution, please do not report them in the third column.

Please report NAP if no such trainings on EU Law have been organised/provided/offered by other stakeholders in the framework of co-operation programmes for judges/ prosecutors.

If such trainings have been organised in the framework of co-operation programmes, but their total number is not known for the entire reference year, please respond NA.

Questions 83 to 85 focus on the trainings on ECHR for judges and prosecutors in the reference year.

83 (Based on previous Q154) If yes, provide the nr of delivered live trainings (in-person hybrid, video conference) and internet-based trainings and the number of days of delivered trainings on ECHR

The first column asks for the total number of delivered live trainings on ECHR (in any of the following formats: in-person, hybrid, video conference) for judges and prosecutors, respectively, funded by the national budget and (international) co-operation programmes. Please provide, to the extent possible, the full of delivered trainings on ECHR, which were counted above separately by judges and by prosecutors (or as one list if both categories attended the same trainings). Examples of such training could include (for guidance only): the Right to fair trial; ECtHR jurisprudence on children's rights, Police arrest and assistance of a lawyer. Please respond NAP only if trainings on ECHR are not part of the Judicial training institutions' curricula and/or have not been delivered by other external partners (national or international organisations).

The second column asks for the number of days of delivered live trainings. A training day shall be understood as one working day. Please include also half-day trainings as half-days in your calculation. Therefore, if a training lasts for two half-days, please calculate as one. Please respond NAP, if your response in the first column is NAP.

The third column asks for the Number of internet-based trainings on ECHR available on the e-learning platform of the national training institution. Please do not report here the internet-based e-learnings available/followed on other (national and/or international) training institutions' platforms.

84 (Based on previous Q154-1) Number of participants in live trainings and internet-based trainings on ECHR

In the first column, please report only participants (judges and prosecutors) in live trainings on ECHR (in any of the following formats: in person, hybrid, video conference). Please report NAP, if trainings on

ECHR are not part of the national curricula for judges/prosecutors and/or have not been delivered by other (national or international) partners/donors.

In the second column, please report the number of participants in internet-based trainings provided on the e-learning platform of the national training institution (not live). Please do not report the number of participants in internet-based trainings on other (national or international) trainings institutions' platforms.

85 (Based on previous Q155) If any of the trainings on ECHR reported above were organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects), please provide:

This question aims at identifying the number of the trainings on ECHR reported under Questions 83 and 84 organised/financed by other stakeholders in the framework of co-operation programmes (for ex. EU funded projects). Please follow the same requirements/definitions in terms of reporting the number of delivered live trainings, the number of days of delivered live trainings, as well as the number of internet-based trainings available on the e-learning platform of the training institution. If the trainings have been funded in the framework of co-operation programmes but they were not available on the learning platform of the national training institution, please do not report them in the third column.

Please report NAP if no such trainings on ECHR have been organised/provided/offered by other stakeholders in the framework of co-operation programmes for judges/ prosecutors.

If such trainings have been organised in the framework of co-operation programmes, but their total number is not known for the entire reference year, please respond NA.

11.3 Quality of judicial training

Questions under the indicator 11.3 “Quality of judicial training” refer/apply **only to in-service trainings**.

86 (Based on previous Q155-2) How do you identify (collect information about) future training needs? (multiple possible answers)

87 (Based on previous Q155-3) What is the frequency of assessing future training needs?

These two questions are related to the process of identifying future training needs. If the data for the training needs assessment (TNA) use other sources of information than the ones given as options, please provide this information in the comments section.

“Frequency of assessing future training needs” shall be understood as the frequency of conducting a “comprehensive training needs assessment (TNA)”. A comprehensive TNA includes the use of at least five quantitative and qualitative research methods, as mentioned under question 86.

88 (Based on previous Q155-4) Do you evaluate the in-service trainings (seminars, workshops, round tables)?

89 (Based on previous Q155-5) If yes: What type of training evaluation model do you use?

90 (Based on previous Q155-6) If yes: What is the frequency of training evaluation? (multiple possible answers)

91 (Based on previous Q155-7) If yes, what is the result of the training evaluation process used for: (multiple possible answers)

The last four questions under the training indicator deal with the impact of trainings or training evaluation.

Question 88 asks whether an institutionalised system for training evaluation exists or not, i.e. whether a system of training evaluation is regulated, embedded, and implemented or not.

In case the evaluation system is embedded within training institution, 89 asks which training evaluation model is used. The most common training evaluation model (Kirkpatrick) is listed. If other models are used, second or the third option should be ticked, and an explanation should be provided in the comment.

Question 90 deals with frequency of the evaluation of each training. Multiple answers are possible. In case different trainings have different frequency of the evaluation or if an evaluation of the overall in-service training programme is conducted, this should be mentioned in the comment.

Question 91 asks about the use of the result obtained through the training evaluation process. The answer should be based on the existing experiences rather than on the theoretical possibilities that might appear as a result of evaluation.

Multiple answers are possible, and if the result is different from the options given it should be noted under “other” and/or in the comments part.

12. Appointment/recruitment/mandate of judges/prosecutors

12.1 Selection and recruitment

Section I Description of the specific procedure of recruitment (entry procedure/selection/appointment) for a judge (Questions 92 to 110)

Section II. Description of the specific procedure of recruitment (entry procedure/selection/appointment) for a prosecutor (Questions 111 to 129)

These sections should provide information on procedures and criteria for the first recruitment of judges and prosecutors.

There are few specific aspects that should be taken into consideration when answering questions within these sections.

For the purposes of these sections, “Judicial academy” should be understood as an institution responsible for the training, but which also has a role in the appointment and recruitment procedure of future judges/prosecutors.

Furthermore, these sections follow the appointment/recruitment procedure from the beginning to the end and divide this process into three subsequent stages: Entry procedure, Selection procedure and Formal decision. At the end, it also examines details of the mandate of those who successfully complete the procedure (subsection Mandate). Therefore, the sections are divided into four parts:

A. **Entry Procedure** - examines criteria, competent authorities and procedure for entering the process to become a judge or prosecutor. It collects detailed information on how candidates enter judicial academy or some other type of pre-selection for the recruitment procedure.

B. **Selection** - the second stage of the overall procedure. It focuses on criteria and competent authorities for the selection of judges/prosecutors from the list of candidates that successfully completed the entry procedure.

C. **Formal decision on appointment** - the last step in the process of appointment and recruitment. It examines competent authorities for formal appointment of judges/prosecutors.

D. **Mandate** - specific part of this section that deals with details of the probation period (if it exists in the system) and length of the appointment.

It is also very important to note that within the entry and selection procedure, this section differentiate two possible paths for becoming a judge or prosecutor depending on whether the candidates for these positions had to graduate from Judicial Academy or not.

The first path follows the recruitment procedure through the Judicial Academy ("Via Judicial Academy").

The second path scrutinizes the recruitment procedure of all other candidates that have not graduated from Judicial Academy ("Without Judicial Academy"). Primarily, this option is intended for "experienced professionals", and therefore, it should include all legal professionals who qualify for the position of a judge/prosecutor on the basis of their years of experience and/or other criteria, and not on the basis of studying at and graduating from Judicial Academy.

If a Judicial Academy does not exist in the system, the CEPEJ correspondent should provide answers for just one path – "Without Judicial Academy"; and select NAP for the other path.

If a Judicial Academy exists in the system and only a graduate from Judicial Academy can become appointed judge/prosecutor, the CEPEJ correspondent should select NAP for the path – "Without Judicial Academy".

If the system provides for a possibility to become a judge/prosecutor both for graduates and non-graduates of Judicial Academy, the CEPEJ correspondent should provide answers under both options, dully noting the differences between these two paths in the provided replies.

If there are some specifics of your system that were not included in the questions and/or could not be visible from the answers to the questions, please explain them in the comment areas under respective questions.

92 (Based on previous Q089) Please describe the specific procedure of recruitment (entry procedure/selection/appointment) for a judge:

In some systems, judges are recruited through a single method, while in others several methods may be combined. When answering this question, please consider the following aspects as they apply to your system:

Please clarify if the recruitment of judges is done through a "Competitive exam" which consists of a predefined, open competition that involves an exam or other similar methods of evaluating candidates' expertise and skills. This competition is different from the bar exam, which might be a prerequisite to apply for the competitive exam. The candidates for this competitive exam are not required to have previous working experience in the area of law or a minimum experience might be required.

Some systems also provide a recruitment procedure for experienced legal professionals (for example experienced lawyers)" - experience and seniority may either be interpreted broadly (for example, jurists, lawyers, notaries, legal consultants, clerks and other occupations that have substantive working experience in the field of law) or narrowly (for example judicial assistants in courts or public prosecution offices). This recruitment procedure should be understood as a competition open only to candidates who have the required working experience.

If your system envisages another recruitment procedure that does not correspond to the above description (e.g., judges are elected by citizens), please explain the system in the comment.

A. Criteria for entry into the process to become a judge

93 (Based on previous Q090 DB Questionnaire) What are the entry criteria (pre-conditions) into the process to become a judge?

"Entry criteria" are general requirements that candidates need to fulfil to be shortlisted to participate in the exam to enter the Judicial Academy, or to be pre-selected for a procedure of recruitment to become a judge without Judicial Academy. The table in this question provides requirements that are most commonly met in different judicial systems. If there are some additional criteria in your system, you can select "Other" and specify them in the comment area. The meaning of the "Clean criminal record" might vary in different systems, therefore, please provide more details in the comment area.

94 (Based on previous Q091 DB Questionnaire) Which authority is competent during the entry selection procedure?

"Authority competent during the entry selection procedure" is an institution in charge for evaluating and deciding which candidates fulfil entry criteria. This institution makes a list of eligible applicants to be selected in the subsequent selection procedure. Please note that term "executive" includes all institutions and bodies that belong to executive power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc. If you select executive power, please specify in the comment area which particular body/institution of the executive power is competent. The list of institutions is not exhaustive, so if some other body is in charge for the entry procedure please select "Other body" and provide a brief explanation in the comment area.

95 (Based on previous Q 092 DB Questionnaire) Is there a public call for candidates to become a judge?

"Public call for candidates" means that there was an open call for the application published in media, websites, official gazette etc. available to the general public and aiming at reaching all potential candidates.

96 (Based on previous Q 094 DB Questionnaire) Is there a list of pre-selected candidates which is public?

This question deals with the transparency in the pre-selection process by examining whether the list of pre-selected candidate is public or not. Please indicate if the list of pre-selected candidates is announced on the internet, available only to the applicants which participated in the process, or not available at all. Please specify if there is any "Other" modality in your system to make the list public.

97 (Based on previous Q 095 DB Questionnaire) Is there a possibility for non-pre-selected candidates to appeal?

The question examines if non-pre-selected candidates have the right to appeal at this stage of the procedure.

98 (Based on previous Q 096 DB Questionnaire): If yes, what body is competent to decide on appeal?

If the answer to Question 97 above is positive, please indicate which institution is competent to decide on appeal. If you select court, please specify what kind of court in the comment (e.g. administrative court, court of general jurisdiction, Supreme court, etc). The list of institutions is not exhaustive, so if some other body is in charge (includes therein the Constitutional court), please select "Other body" and provide an explanation in the comment area.

B. Selection procedure for judges (after exam/interviews, etc.)

99 (Based on previous Q 097 DB Questionnaire): What are the criteria for the selection of judges?

The selection of judges is a process of deciding which individuals from the pool of pre-selected candidates are best suited for becoming judges and filling in the vacant positions. This question aims to explore which criteria are used to make such a decision by the competent authorities.

Results/score from Judicial Academy training – is a grade from Judicial Academy studies. It can be average grade from the studies, grade given on a final exam or similar grade that refers to the candidates' performance from the studies. Additional testing for non-Academy graduates is a particular exam/test given to professionals who have not graduated from Judicial Academy and intended to examine their level of legal knowledge, skills, etc.

Duration of previous work experience – if competent authorities evaluate previous work experience in terms of its duration, please select this option. This might be the case when priority is, for example, given to the candidates who have more years of work experience.

Relevance of previous work experience – if competent authorities evaluate relevance of work experience, please select this option. This might be the case when authorities consider not only duration of work experience but also analyse type of work which candidates performed in their previous positions (the nature of the work, the field of law which he practiced, etc.).

Interview evaluation – some systems set interviews with candidates as a mandatory or facultative requirement for the selection. If evaluation from these interviews is considered within selection procedure, please select this option.

Performance appraisal from previous employer(s) – this criterion refers to the situation when competent authorities obtain appraisals from previous employers, analyse them and take them into consideration when making decision on the selection. Performance appraisal includes different forms of grading, narrative reporting on employees' performance and skills, as well as references on the candidates' personal characteristics (for example, mentor's evaluation of a candidate who has worked as a judge's/public prosecutor's assistant or trainee).

Automatic selection of each successful candidate from Judicial Academy or every pre-selected experienced candidate outside of Judicial Academy – please select this option if your system provides that all Judicial Academy graduates and/or pre-selected candidates automatically are selected to become judges. This option would mean that process was not divided into two separate stages of pre-selection and selection, but only one integrated process exists at the end of which all candidates are considered selected.

Other - If other criteria exist, please select this option and list them in the comment area. You should also provide more details on how these other criteria are used in the selection process.

101 (Based on previous Q 098 DB Questionnaire): Which authority is competent to select judges?

The list of institutions is not exhaustive, so if some other body/institution is in charge for the selection procedure in your system please select “other body” and provide a brief explanation in the comment area.

C. Formal decision of appointment of judges

102 (Based on previous Q 099 DB Questionnaire): Which authority is competent for the final appointment of a judge?
There are different systems of final appointment of judges. Some systems leave the final appointment within competencies of the judiciary, while others might involve bodies from legislative or executive branches of power. Please select the option to best reflect your system.

The list of institutions is not exhaustive, so if some other body is in charge for the final appointment procedure, please select “other body” and provide a explanation in the comment area.

Please note that term “executive power” includes all institutions and bodies that belong to the executive power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc. If you select executive power, please specify in the side comment which particular body/institution of the executive power is competent in this case.

103 (Based on previous Q 100 DB Questionnaire): Which competences has this authority in the final appointment procedure (multiple replies possible):

In the process of making the final decision on appointment, the competent authority may have different competences. It is possible that this authority provides only a formal confirmation of the candidates proposed by the authority which makes selection (option 1). The second option (“Has a right to appoint some and reject some among the selected (proposed) candidates“) should be selected in all situations in which this authority is competent to reject a candidate, irrespective of whether this body, at the same time, might select some other candidate from the list to fill the vacant post (for example there are two proposed candidates for one post) or leave the post unfilled (because only one candidate was proposed for that post). If this institution is also authorized to appoint other candidates that were not proposed by the authority which conducts the selection process, please select the third option. If your system provides some other competences that are relevant for the final appointment, please explain them in the side comment area.

104 (Based on previous Q 101 DB Questionnaire): May non-selected candidates appeal against the decision of appointment?

This question attests to whether non-preselected candidates have the right to appeal at this stage of the process. If the answer is positive, please indicate which institution is competent to decide on appeal in the following question.

105 (Based on previous Q 102 DB Questionnaire): If yes, what body is competent to decide on appeal?

Please select the body/bodies competent to decide on the appeal of non-selected candidates at this stage of the process. The option “court” in this question refers to any court in which the appeal should be decided, including court concerned, higher court, Supreme court or court competent for administrative cases. The list of institutions is not exhaustive, so if some other body is in charge to decide on appeal in this case in your system please select “Other body” and provide an explanation in the comment area. Please note that “Other body” includes the Constitutional court for the purposes of this Question.

106 (Based on previous Q 103 DB Questionnaire): How do you check the integrity of candidate judges?

If your system prescribes the evaluation of the integrity of new candidates, please describe both the process and criteria used in order to explain how the competent authorities conduct such evaluations. The term "integrity" should be considered in line with CCJE Opinion No. 21 (2018) Preventing corruption among judges, as well as GRECO Fourth Round reports on your country (available on www.coe.int/greco).

D. Mandate of judges

107 and 108 (Based on previous Q 104 and Q 105 DB Questionnaire)

A mandate for an undetermined period means that judges are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against a judge are ordered, knowing that the most severe sanction is a dismissal). If judges are not appointed 'for life", please specify in the comments what is the length of mandate and whether it is renewable. It is possible for judges to be appointed for life after a "probation period". If there is a probation period, after which judges are appointed for life, please answer "yes" in question 108 and specify its duration in years.

109 (Based on previous Q 106 DB Questionnaire): If yes, which authority is competent to decide if the probation period is successful?

Select the authority responsible to decide if the probation period (mentioned in the previous question) is successful or not. If you select executive power, please specify in the comment which particular body/institution of the executive power is competent. Please note that the President of the state is to be reported as part of the Executive power for the purposes of this Questionnaire. The list of institutions is not exhaustive, so if your system puts some other body in charge of deciding on the probation period, please select "other body" and provide a brief explanation in the side comment.

110 (Based on previous Q 107 DB Questionnaire): Is there a possibility to appeal against this decision?

In case there is a possibility for the candidates to appeal (submit a formal complaint) when the probation is considered unsuccessful, please answer "Yes".

II. Description of the specific procedure of recruitment (entry procedure/selection/appointment) for a prosecutor:

111 (Based on previous Q 111 DB Questionnaire): Please describe the specific procedure of recruitment (entry procedure/selection/appointment) for a prosecutor:

Please describe briefly and clearly **the specific procedure of recruitment (entry, selection, and appointment) for prosecutors,** as it functions in your system. **Do not include details that are specifically requested in later questions** — such as entry criteria, competent authorities, public calls, appeal rights, or appointment bodies.

Focus only on outlining the **overall sequence and main steps** in the recruitment process as provided by your legislation for both Judicial Academy graduates and for experienced legal professionals. Please mentioned the legal framework (titles of laws and regulations) in respect of the recruitment of prosecutors.

A. Criteria for entry into the process to become a prosecutor

Question 112 (Based on previous Q 112 DB Questionnaire): What are the entry criteria (pre-conditions) into the process to become a prosecutor?

"Entry criteria" are general requirements that candidates need to fulfil to be shortlisted to participate in the exam to enter the Judicial Academy, or to be pre-selected for a procedure of recruitment to become a public prosecutor without Judicial Academy. The table in this question provides requirements that are most commonly met in different judicial systems. If there are some additional criteria in your system, you can select other and then specify them in the comment area. The meaning of the "Clean criminal record" might vary in different systems, and therefore, please provide more details in the comment area.

113 (Based on previous Q 113 DB Questionnaire): Which authority is competent during the entry selection procedure?

"Authority competent during entry selection procedure" is an institution in charge of evaluating and deciding which candidates fulfil entry criteria. This institution makes a list of eligible applicants to be selected in the subsequent selection procedure. The list of institutions is not exhaustive, so if some other body is in charge in your system for the entry procedure please select "other body" and provide an explanation in the comment area.

114 (Based on previous Q 114 DB Questionnaire): Is there a public call for candidates to become a prosecutor?

"Public call for candidates" means that there was an open call for the application published for example in media, websites, official gazette etc. available to the general public and aiming at reaching all potential candidates.

115 (Based on previous Q 116 DB Questionnaire): Is there a list of pre-selected candidates which is public?

This question deals with transparency in the pre-selection process by examining whether the list of pre-selected candidates is public or not. Please indicate if the list of pre-selected candidates is announced on the internet for public access, available only to the applicants which participated in the process, or not available at all. "Other" includes any other modalities of announcing the decision on pre-selected candidates which might exist in your system, and which is to be specified in the comment.

116 and 117 (Based on previous Q 117 and 118 DB Questionnaire): Is there a possibility for non-pre-selected candidates to appeal?

This question examines if non-preselected candidates enjoy the right to appeal. If the answer is positive, please indicate which institution is competent to decide on appeal in the following question. If you select court, please specify in the comment what kind of court (e.g. administrative court, court of general jurisdiction, Supreme court, etc). The list of institutions is not exhaustive, so if some other body (including the Constitutional court) is in charge, please select "other body" and provide an explanation in the comment area.

B. Selection procedure for prosecutors (after exam/interview, etc)

118 (Based on previous Q 119 DB Questionnaire): What are the criteria of selection of public prosecutors?

The selection of public prosecutors is a process of deciding which individuals from the pool of pre-selected candidates are best suited for becoming public prosecutors and filling in the vacant positions. This question aims to explore which criteria are used to make such a decision by the competent authorities.

Results/score from Judicial Academy training – is a grade from Judicial Academy studies. It can be average grade from the studies, grade given on a final exam or similar grade that refers to the candidates' performance from the studies. Additional testing for non-Academy graduates is a particular exam/test given to professionals who have not graduated from Judicial Academy and intended to examine their level of legal knowledge, skills, etc.

Duration of previous work experience – if competent authorities evaluate previous work experience in terms of its duration, please select this option. This might be the case when priority is, for example, given to the candidates who have more years of work experience.

Relevance of previous work experience – if competent authorities evaluate relevance of work experience, please select this option. This might be the case when authorities consider not only duration of work experience, but also analyse type of work which candidates performed in their previous positions (the nature of the work, the field of law which he practiced, etc.).

Interview evaluation – some systems set interviews with candidates as a mandatory or facultative requirement for the selection. If evaluation from these interviews is considered within selection procedure, please select this option.

Performance appraisal from previous employer(s) – this criterion refers to the situation when competent authorities obtain appraisals from previous employers, analyse them and take them into consideration when making decision on the selection. Performance appraisal includes different forms of grading, narrative reporting on employees' performance and skills, as well as references on the candidates' personal characteristics (for example, mentor's evaluation of a candidate who has worked as a judge's/public prosecutor's assistant or trainee).

Automatic selection of each successful candidate from Judicial Academy or every pre-selected experienced candidate outside Judicial Academy – please select this option if your system provides that all Judicial Academy graduates and/or pre-selected candidates automatically are selected to become public prosecutors. This option would mean that process was not divided into two separate stages of pre-selection and selection, but only one integrated process exists at the end of which all candidates are considered selected.

Other - If other criteria exist, please select this option and list them in the comment area. You should also provide more details on how these other criteria are used in the selection process.

120 (Based on previous Q 120 DB Questionnaire): Which authority is competent during the selection procedure of a public prosecutor?

The list of institutions is not exhaustive, so if some other body is in charge for the selection procedure in your system please select "other body" and provide a brief explanation in the comment area.

C. Formal decision of appointment of prosecutors

121 (Based on previous Q 121 DB Questionnaire): Which authority is competent for the final appointment of a prosecutor?

There are different systems of final appointment of public prosecutors. Some systems leave the final appointment within competencies of the judiciary, while others might involve bodies from legislative or executive branches of power. Please select provided options to best reflect your system.

The list of institutions is not exhaustive, so if some other body is in charge for the final appointment procedure, please select "other body" and provide an explanation in the comment area.

Please note that term "executive" includes all institutions and bodies that belong to the executive power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc. If you select executive power, please specify in the side comment which particular body/institution of the executive power is competent.

122 (Based on previous Q 121-1 DB Questionnaire): Which competences has this authority in the final appointment procedure (multiple replies possible):

In the process of making the final decision on appointment, the competent authority may have different competences, as follows. It is possible that this authority provides only a formal confirmation of the candidates proposed by the authority which makes selection (option 1). The second option ("Has a right to appoint some and reject some among the selected (proposed) candidates") should be selected in all situations in which this authority is competent to reject a candidate, irrespective of whether this body, at the same time, might select some other candidate from the list to fill the vacant post (for example there are two proposed candidates for one post) or leave the post unfilled (because only one candidate was proposed for that post). If this institution is also authorised to appoint other candidates that were not proposed by the authority which conducts selection process, please select the third option. If your system provides some other competences that are relevant for the final appointment, please explain them in the side comment area.

123 (Based on previous Q 122 DB Questionnaire): May non-selected candidates appeal against the decision of appointment?

This question inquires whether non-preselected candidates have the right to appeal at the stage of appointment. If the answer is positive, please indicate which institution is competent to decide on appeal in the following/next question.

124 (Based on previous Q 123 DB Questionnaire): If yes, what body is competent to decide on appeal?

Please select the body/bodies competent to decide on appeal. The option "Court" in this question refers to any court of general jurisdiction (including the Supreme court) or courts competent for administrative cases, in which the appeal should be decided. The option "Prosecution office" includes the prosecution office concerned, higher prosecution office or the highest instance prosecution office. The list of institutions is not exhaustive, so if some other body is in charge of the appeal in this cases in your system, please select "other body" and mention it in the comment area.

125 (Based on previous Q 124 DB Questionnaire): How do you check the integrity of candidate prosecutors

If your system prescribes the evaluation of integrity of new candidates, please describe both the process and criteria used in order to explain how the competent authorities conduct such an evaluation. The term "integrity" should be considered in line with CCPE Opinion No. 13 (2018) "Independence, accountability and ethics of prosecutors[2]", as well as applicable GRECO documents[3].

D. Mandate of prosecutors

126 and 127 (Based on previous Q 125 and Q 126 DB Questionnaire): Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

A mandate for an undetermined period means that public prosecutors are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against a public prosecutor are ordered, knowing that the most severe sanction is a dismissal). It is possible for public prosecutors to be appointed for life after a "probation period". If there is a probation period, after which public prosecutors are appointed for life, please answer "yes" in question 127 and mention its duration (in calendar years).

128 (Based on previous Q 127 DB Questionnaire): If yes, which authority is competent to decide if the probation period is successful?

Please select which authority is responsible to decide if the probation period (mentioned in the previous question) is successful or not. "Prosecution office concerned" means the office where the public prosecutor carried out his/her duties during the probation period. The list of institutions is not exhaustive, so if your system puts some other body in charge to decide on probation, please select "other body" and provide an explanation in the comment area.

129 (Based on previous Q 128 DB Questionnaire): Is there a possibility to appeal against this decision?

In case there is a possibility for the candidates to appeal (to submit a formal complaint) when the probation is considered unsuccessful, please answer "Yes".

13. Promotion of judges/prosecutors

For judges

130 (Based on previous Q 132 DB Questionnaire): Which authority is competent for the promotion of judges?

In this question please select the institution that decides which judges will be promoted. Please note that term "executive" includes all the institutions and bodies that belong to executive power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc. If you select executive power, please specify in the comment area which particular body/institution of the executive power is competent. The list of institutions is not exhaustive, so if your system puts some other body in charge for the entry procedure please select "other body" and provide an explanation in the comment area.

[2] https://rm.coe.int/opinion-13-ccpe-2018-2e-independence-accountability-and-ethics-of-pros/1680907e9d

[3] Fourth Evaluation Round / Quatrième Cycle d'Evaluation - Group of States against Corruption

131 and 132 (Based on previous Qs 133 and 134 DB Questionnaire)

Regarding the promotion criteria for judges, it is necessary to refer to Opinion No. 17 (2014) of the Consultative Council of European Judges (CCJE)[4] on the evaluation of judges' work, the quality of justice and respect for the judicial independence.

A promotion should be understood as a procedure of upgrading the rank and/or salary following an application by sitting judges. An automatic promotion, automatic salary increases as well as redistribution of competences are not in the scope of this question.

"Previous individual evaluations" should be understood as regular individual evaluations carried for judges, if such exist in your system. If an individual evaluation of a sitting judge is carried out only in view of promotion, please select "Other procedures" and explain it in the comments.

The details of the promotion procedure should be specified in the comments to Question 131, namely how it is organised from application to appointment. It should also be explained how the transparency of this process is ensured, for example are vacancies publicly announced, are lists with rankings published etc. Please briefly explain the criteria used for the promotion of judges (in particular on "Performance" and "Other") in the Comments to Question 132.

133 and 134 (Based on previous Qs 135 and 136 DB Questionnaire)

These questions examine if a decision on promotion can be appealed. If the answer is positive, please indicate which institution is competent to decide on appeal in the following question. The list of institutions is not exhaustive, so if some other body is in charge of deciding on appeal in promotion procedure for judges in your system, please select "other body" (which includes the Constitutional court) and specify it in the comment area.

<u>For prosecutors</u>

135 (Based on previous Q 137 DB Questionnaire): Which authority is competent for the promotion of prosecutors?

In this question please select the institution that decides which prosecutors will be promoted. The list of institutions is not exhaustive, so if your system puts some other body in charge of the promotion procedure for prosecutors, please select "other body" and specify it in the comment area.

136 and 137 (Based on previous Qs 138 and 139 DB Questionnaire)

A promotion should be understood as a procedure of upgrading the rank and/or salary following an application by a sitting prosecutor. An automatic promotion, automatic salary increases as well as redistribution of competences are not in the scope of this question.

"Previous individual evaluations" should be understood as regular individual evaluations carried for prosecutors, if such exist in your system. If an individual evaluation of a prosecutor is carried out only in view of promotion, please select "Other procedures" and explain it in the comments.

The details of the promotion procedure should be specified in the comments to Question 136, namely how it is organised from application to appointment. It should also be explained how the transparency of this process is ensured, for example are vacancies publicly announced, are lists with rankings

[4] https://rm.coe.int/16807481ea

published etc. Please briefly explain the criteria used for the promotion of prosecutors (in particular on "Performance" and "Other") in the Comments to Question 137.

Questions 138 and 139 (Based on previous Qs 140 and 141 DB Questionnaire):

Those questions examine if a decision on promotion can be appealed. If the answer is positive, please indicate which institution is competent to decide on appeal in the following question. The list of institutions is not exhaustive, so if some other body is in charge for the entry procedure in your system please select "other body" (which includes Constitutional court) and specify it in the comment area.

14. Accountability

14.1 Promotion of integrity and prevention of corruption

The terms in this section should be in line with CCJE Opinion No.21 (2018) Preventing corruption among judges and GRECO Fourth Round Evaluation Reports.

The Group of States against Corruption (GRECO) works following evaluation rounds, each dealing with different aspects of the prevention and the fight against corruption. GRECO's Fourth Evaluation Round is dedicated to prevention of corruption among members of parliament, judges and prosecutors and is therefore relevant for this CEPEJ questionnaire in parts that concern judges and prosecutors. Each GRECO member state received a tailor-made set of recommendations in GRECO's Evaluation Report. All the beneficiaries of this project received these recommendations too. The level of implementation by the country with each individual recommendation (fully, partly or not implemented) is then assessed in a series of compliance reports, adopted by GRECO at regular intervals until the country has reached an acceptable global level of implementation. The compliance procedure is then closed for that evaluation round. Compliance procedures are currently on-going for all beneficiary countries and GRECO's evaluation and compliance reports should be taken into account when answering relevant questions of this questionnaire. All adopted and public reports are available at www.coe.int/greco. The list of GRECO country representatives which may be contacted for more detailed information is available at https://www.coe.int/en/web/greco/structure/member-and-observers.

140 (Based on previous Q 164 DB Questionnaire): What are the legal provisions in the hierarchy of norms, which guarantee the independence of judges?

Guarantees of the independence of judges might be found in different laws/regulations. Their position in the hierarchy of legal norms vary from system to system. Please indicate where these provisions are prescribed in your legal system. You may select one or more options.

Constitution is the highest law in a state.

Special law refers to the laws that govern the status of judges, such as special law on judges or sometimes law on judicial councils.

Bylaws should be understood as different rules and regulations that are positioned below the laws in the hierarchy of norms.

141 (Based on previous Q 166 DB Questionnaire): What are the legal provisions in the hierarchy of norms, which guarantee the independence of prosecutors?

Guarantees of the independence of prosecutors might be found in different laws/regulations. Their position in the hierarchy of legal norms vary from system to system. Please indicate where these provisions are prescribed in your legal system. You may select one or more options.
Constitution is the highest law in a state.

Special law refers to the laws that govern status of judges, such as special law on judges or sometimes law on judicial councils.

Bylaws should be understood as different rules and regulations that are positioned below the laws in the hierarchy of norms.

142 (Based on previous Q 171 DB Questionnaire): Number of criminal cases against judges or prosecutors

This question focuses only on criminal cases related to the breaches of integrity (such as receiving a bribe or abuse of position). The disciplinary cases concerning breaches of integrity should be addressed in questions 208, 209 and 217, 218.

Number of sanctions pronounced should include all convictions – courts' decisions by which a defendant was found guilty.

For the purpose of this question, the following definitions should be used:

INITIATED CASE - a case is considered initiated at the moment of submitting a case to the first instance court (a preliminary or investigative procedure should not be counted).

COMPLETED CASE should include all cases which have come to an end, either through a judgment or through any other decision on the case. Only final decisions (i.e. legal remedies have not been used or have been exhausted) should be considered.

143 (Based on previous Q 172-0 DB Questionnaire): Are specific measures to prevent corruption in place?

Measures to prevent corruption are all the measures and tools that are put in place to prevent corruption risk in the judiciary. Measures of prevention can include drawing a risk map, strengthening the internal control function, establishing safe complaints mechanisms (e.g. whistleblowing), adopting codes of conducts, defining specific policies and rules regarding gifts.

148 to 155 (Based on previous Qs 176 to 181-1 DB Questionnaire):

These questions related to institutions / bodies giving guidelines and /or opinions on ethical questions of the conduct of judges / public prosecutors (in some States and entities they are referred to as codes of conduct, principle of conduct and similar) aim to explore in more detail the institutional capacities of beneficiaries to deal with issues of ethics within the judiciary.

Such a body might be, for example, a separate institution, the Judicial Council or a commission/board within this institution, or it may take some other form. Such a body may be addressed regarding contentious ethical issues, and it might render opinions of various strengths.

The opinions of these bodies may be considered publicly available if they are published on a website, circulated among judges and public prosecutors (please specify how they are circulated among these), published in the “official gazette” or journal, etc.

An important aspect to evaluate the activity of these bodies is to examine if they issue their guidelines/opinions regularly. For this reason, it is important to indicate how many guidelines/opinions were issued during the reference year. Please also specify in the comment the topics that were addressed in these guidelines/opinions.

156 (Based on previous Q 160) Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

Please specify in the comments the legal basis for recusing a judge, the rights and obligations of parties in this case, the requirements on delays to pronounce a decision on recusal, the way the records on recusals are kept, how are cases reallocated and any other relevant legal and procedural aspects.

157 (Based on previous Q 161 DB Questionnaire):

If you answered Yes to Question 156, please indicate separately the total number of recusal procedures initiated by parties and the total number of recusals pronounced within the reference year.

The numbers in these questions, both initiated procedures and recusals pronounced, should exclude procedures in which a judge recused him/herself. Please specify any relevant contextual comments explaining the data.

158 (Based on previous Q 184 DB Questionnaire): How is distribution of court cases organised in your system?

Automatic allocation - there is a predefined list of judges and cases are distributed one by one following the order on the list.

Random allocation - cases are distributed randomly by computer algorithm.

Specific allocation for priority cases – please select this option if there are rules particularly envisaged for allocation of priority cases (e.g. cases involving detention, cases involving minors etc.) as an exception to the general method of allocation.

Possibility to exclude a judge from the allocation – there are different situations that could exclude a judge from the allocation of cases (such as large workload, absence from work, recusal etc.); if such specific possibility is prescribed in your system, please select this option and provide details.

159 (Based on previous Q 184 DB Questionnaire): Are all interventions in distribution (assignments and reassignments) of court cases irreversibly logged/registered?

All interventions in the system irreversibly logged/registered – to ensure respect for the rules and transparency in distribution of cases, some judiciaries require that any alterations in the established system for allocation of cases are logged/registered (in case management system or different registries). Please choose Yes if your system envisages such a possibility.

162 (Based on previous Q 186 DB Questionnaire): Does the reassignment of cases have to be reasoned?

Please select "Yes" if reasoned decision of any form is required to reassign a case in your system.

165 (Based on previous Q 170) Which breaches of integrity are provided for by legislation in respect of court staff:

Breaches of integrity should be understood in a broader sense and capture all infringements of criminal and disciplinary rules. The questions refer to the infringements committed both in professional capacity and private life of court staff. Please provide the reference to the applicable legislation and/or Code of conduct for court staff.

166 (Based on previous Q 189 DB Questionnaire): Level of implementation of the recommendations addressed by GRECO

This question aims at examining the level of implementation of the recommendations given by GRECO to the country concerned in its Evaluation report within the framework of the 4th cycle of evaluation concerning the prevention of corruption. Although this GRECO evaluation relates to members of parliament, judges and prosecutors, for the purposes of this questionnaire, the answer should be limited only to the points concerning judges and prosecutors.

Please note that this question will be answered by the CEPEJ/GRECO Secretariat(s) staff, not the CEPEJ correspondents.

14.2 Declaration of assets

For judges

167 (Based on previous Q 190 DB Questionnaire): Which law(s) and regulation(s) require a declaration of assets by judges?

Declaration of assets as a mandatory duty for all judges is a common practice in some judiciaries, and it is envisaged as an anti-corruptive mechanism.

The offered list of laws and regulations under this question refers to some of the common possibilities encountered in different judiciary systems. The list is not exhaustive, so if your system prescribes the obligation to declare assets in some other laws or regulations, please select "Other" and specify it in the comment area.

Please indicate the articles of laws/regulations and copy the relevant legal provisions in English, respectively.

168 (Based on previous Q 193 DB Questionnaire): What items are to be declared?

The following concepts and definitions are for your guidance when answering the question:

assets– the judges report on their properties (including real estates, vehicles, boats etc.).

financial interests - such as savings, equity, stocks, stock options, bonds, notes, intellectual property rights and the like.

sources of income – this includes salaries but also income generated from properties, such as renting out real estate, income from investments or income generated from intellectual property rights etc.

liabilities – this includes loans, debts etc.

gifts – presents above certain value received by judges.

others – please specify in the side comment area if there are other items that should be declared. This may include accessory activities (e.g. consultancy) in the public or private sector, remunerated or not, offers and agreements for any such future activities, or any other interest of relationship that may or does create a conflict of interest.

169 (Based on previous Q 194 DB Questionnaire): What is the moment of the declaration of assets of judges?

The duty to declare assets might apply at the beginning and at the end of the term of office. Some systems also envisage an obligation for a judge to declare any significant changes in their reported assets, such as declaration of purchasing a new real estate. If your system requires annual declarations, please specify under "Other".

170 (Based on previous Q 195 DB Questionnaire): Does this declaration concern the members of the family?

Many systems require judges to declare the assets of their family members and precisely define the circle of the family members that fall under the scope of this provision/rule.

171 (Based on previous Q 196 DB Questionnaire): Is the declaration for family members the same as for the judge (in terms of items to be declared, moment of declaration etc.)?

This question aims to examine if the same rules for declaration of assets apply to judges' family members in terms of items to be declared, moment of declaration etc.

176 (Based on previous Q 201 DB Questionnaire): What is the sanction in case of non-declaration of assets (including non-submission of declaration)?

Please consider the sanctions for non-submission of declaration (or delayed submission) as well as sanctions for non-declaration of assets. "Other criminal sanction" includes all sanctions pronounced, including those in misdemeanour proceedings.

177 and 188 (Based on previous Qs 202 and 215 DB Questionnaire): Number of cases due to violations in declarations of assets for judges and prosecutors

For the purpose of those questions, the following definitions should be used:

INITIATED CASE is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g., Judicial Council/Prosecutorial Council, disciplinary committee for judges/prosecutors or similar body). Only first instance cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not, **should not be counted**).

COMPLETED CASE should include all the procedures which have come to an end, either through a judgment, disciplinary decision or through any other decision which ended the procedure. **Only final decisions** (legal remedies have not been used or have been exhausted) should be considered.

For Prosecutors

178 (Based on previous Q 203 DB Questionnaire): Which law(s) and regulation(s) require a declaration of assets by prosecutors

Declaration of assets as a mandatory duty for all prosecutors is a common practice in some judiciaries, and it is envisaged as an anti-corruptive mechanism.

The offered list of laws and regulations under this question refers to some of the common possibilities encountered in different judiciary systems. The list is not exhaustive, so if your system prescribes the obligation to declare assets in some other laws or regulations, please select "Other" and specify in the comment area.

Please indicate the articles of laws/regulations and copy the relevant legal provisions in English, respectively.

179 (Based on previous Q 206 DB Questionnaire): What items are to be declared?

The following concepts and definitions are for your guidance when answering the question:

assets– the prosecutors report on their properties (including real estates, vehicles, boats etc.).

financial interests - such as savings, equity, stocks, stock options, bonds, notes, intellectual property rights and the like.

sources of income – this includes salaries but also income generated from properties, such as renting out real estate, income from investments or income generated from intellectual property rights etc.

liabilities – this includes loans, debts etc.

gifts – presents above certain value received by prosecutors.

others – please specify in the side comment area if there are other items that should be declared. This may include accessory activities (e.g. consultancy) in the public or private sector, remunerated or not, offers and agreements for any such future activities, or any other interest of relationship that may or does create a conflict of interest.

180 (Based on previous Q 207 DB Questionnaire): What is the moment of the declaration of assets of prosecutors?
The duty to declare assets might apply at the beginning and at the end of the term of office. Some systems also envisage an obligation for aprosecutor to declare any significant changes in their reported assets, such as declaration of purchasing a new real estate. If your system requires annual declarations, please specify under "Other".

181 (Based on previous Q 208 DB Questionnaire): Does this declaration concern the members of the family?
Many systems require prosecutors to declare the assets of their family members and precisely define the circle of the family members that fall under the scope of this provision/rule.

Question 182 (Based on previous Q 209 DB Questionnaire): Is the declaration for family members the same as for the prosecutor (in terms of items to be declared, moment of declaration, etc.)?
This question aims to examine if the same rules for declaration of assets apply to prosecutors' family members in terms of items to be declared, moment of declaration etc.

187 (Previous Q 214 DB Questionnaire): What is the sanction in case of non-declaration of assets (including non-submission of declaration)?
Please consider the sanctions for non-submission of declaration (or delayed submission) as well as sanctions for non-declaration of assets. "Other criminal sanction" includes all sanctions pronounced, including those in misdemeanour proceedings.

14.3 Conflict of interests

For judges

189 (Based on previous Q 217 DB Questionnaire):

Any acceptance of a gift by a judge in relation to the performance of his/her judicial duties is likely to give rise to a perception of undue influence. This is why most member states have rules, for example, on the acceptance of gifts and other benefits by judges (and other public officials) within the exercise of their profession. Low (objective) value thresholds, on the one hand, and the definition of what is acceptable hospitality, on the other, can give the judges clear and understandable guidance, especially when combined with recommendations on how to proceed when an improper gift has been given. CCJE Opinion No.21 (2018) Preventing corruption among judges. Conflicts of interest may also occur due to other reasons, such as the exercise of accessory activities, links with a party to a case etc. Please select the Regulations in place and briefly describe the procedures/mechanisms in place in your country in the comment area. The list is non-exhaustive, therefore please add any other related regulations on conflict of interest that exist in your system under Other and specify it in the comment.

190 (Based on previous Q 218 DB Questionnaire): Can judges combine their work with any of the following other functions/activities?

For purposes of this question:
Teaching includes for instance practising as a University professor, participating in conferences, participating in educational activities in schools, etc.

Research and publication include, for instance, publishing articles in newspapers, scientific and legal journals, on-line blogs, etc. Participating in working groups for drafting of legal norms should also be understood within this category.

Cultural function includes, for instance, performing in concerts and theatre plays, selling his/her own paintings, etc.

191 (Based on previous Q 219 DB Questionnaire): Is an authorisation needed to perform these accessory activities for judges?

The specific nature of the judicial function and the need to maintain the dignity of the office and protect judges from all kinds of pressures mean that judges should behave in such way as to avoid conflicts of interest or abuses of power. This requires judges to refrain from any professional activity that might divert them from their judicial responsibilities or cause them to exercise those responsibilities in a partial manner. In some states, incompatibilities with the function of judge are clearly defined by the judges' statute and members of the judiciary are forbidden from carrying out any professional or paid activity. Exceptions are made for educational, research, scientific, literary or artistic activities (CCJE Opinion No.3 (2002) on the principles and rules governing judges' professional conduct, in particular ethics, incompatible behaviour and impartiality).

Furthermore, some systems require judges to ask for an authorisation to perform these accessory activities. If judges have such obligation in your system, please select yes. If the duty to ask for an authorisation exists only in relation to some accessory activities, and not for all of them, please select yes and specify details in the comment area.

193 (Based on previous Q 221 DB Questionnaire): If not, does the judge have to inform his/her hierarchy about these accessory activities?

Judges might not be required to obtain prior authorisation to exercise an accessory activity, but they might be obliged to inform the hierarchy of the court, the Judicial Council or another authority about these activities. In this way, the competent authorities will be enabled to keep track of possible risks to the conflicts of interest.

194 and 195 (Based on previous Qs 222 and 223 DB Questionnaire):

Given the variety of possible conflicts of interests, procedures for sanctioning breaches (Question 194), as well as prescribed sanctions (Question 195) may be found in several laws. For examples, procedure/sanctions for failing to recuse oneself may be found in the criminal or civil procedure codes, procedure/sanction for failure to declare a conflict of interest in the law on the prevention of conflicts of interest, procedure/sanction for unauthorised exercise of an accessory activity in the code of ethics or the law on judges etc.

law on the prevention of conflict of interests – a special law that regulates only conflicts of interests and envisages procedure/sanctions for violations of those rules

criminal procedure code – the procedure/sanctions is regulated by the criminal procedure code

civil procedure code – the procedure/sanctions is regulated by the criminal procedure code

code of ethics – some violations of the rules that regulate conflicts of interests might be sanctioned under code of ethics that also provide a special procedure for those cases

law on judges – the laws which regulate status of judges sometimes also envisage procedure/sanctions for judges in cases of conflicts of interests

law on the Judicial Council – the law which regulates status and competences of the Judicial Council might also provide procedure/sanctions for judges in cases of conflicts of interests

other, please specify – if some other legal document prescribes rules of procedure/sanctions for judges in cases of conflict of interests please select this option.

196 (Based on previous Q 224 DB Questionnaire): Number of cases initiated/completed/sanctions pronounced for breaches of the rules on conflicts of interest in respect of judges in the reference year

This question refers only to number of disciplinary, misdemeanour and criminal cases initiated/completed/sanctions pronounced against judges in a reference year. The number of procedures for recusal of an acting judge within civil or criminal proceedings should not be included under this question.

For the purpose of this question, the following definitions should be used:

INITIATED CASE is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g. Judicial Council, disciplinary committee for judges or similar body). Only first instance cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not**, should not be counted**).

COMPLETED CASE should include all the procedures which have come to an end, either through a judgment, disciplinary decision or through any other decision which ended the procedure. **Only final decisions** (legal remedies have not been used or have been exhausted) should be considered.

Please specify in the comments the types of sanctions pronounced and, if possible, how many of each type in the reference year.

For prosecutors

All explanatory notes provided above and referring to the conflict of interest in the section for judges apply *mutatis mutandis* to this section in respect of prosecutors.

198 (Based on previous Q 227 DB Questionnaire): Can public prosecutors combine their work with any of the following other functions/activities?

Teaching includes for instance practising as a University professor, participating in conferences, participating in educational activities in schools, etc.

Research and publication include, for instance, publishing articles in newspapers, scientific and legal journals, on-line blogs, etc. Participating in working groups for drafting of legal norms should also be understood within this category.

Cultural function includes, for instance, performing in concerts and theatre plays, selling his/her own paintings, artistic works etc.

199 (Based on previous Q 228 DB Questionnaire): Is an authorisation needed to perform these accessory activities for public prosecutors?

Some systems require public prosecutors to ask for an authorisation to perform these accessory activities. If public prosecutors have such obligation in your system, please select Yes. If the duty to ask for an authorisation exists only in relation to some accessory activities, and not for all of them, please select yes and specify details in the comment area.

202 and 203 (Based on previous Qs 231 and 232 DB Questionnaire):

Given the variety of possible conflicts of interests, procedures for sanctioning breaches (Question 202), as well as prescribed sanctions (Question 203), may be found in several laws. For examples, procedure/sanctions for failing to recuse oneself may be found in the criminal or civil procedure codes, procedure/sanction for failure to declare a conflict of interest in the law on the prevention of conflicts of interest, procedure/sanction for unauthorised exercise of an accessory activity in the code of ethics or the law on public prosecutors/public prosecution etc.

law on the prevention of conflict of interests – a special law that regulates only conflicts of interests and envisages procedure/sanctions for violations of those rules

criminal procedure code – the procedure/sanctions is regulated by the criminal procedure code

civil procedure code – the procedure/sanctions is regulated by the criminal procedure code

code of ethics – some violations of the rules that regulate conflicts of interests might be sanctioned under code of ethics that also provide a special procedure for those cases

law on public prosecutors/public prosecution – the laws which regulate status of prosecutors sometimes also envisage procedure/sanctions for prosecutors in cases of conflicts of interests

law on the Judicial/Prosecutorial Council – the law which regulates status and competences of the Judicial Council/Prosecutorial Council might also provide procedure/sanctions for prosecutors in cases of conflicts of interests

other, please specify – if some other legal document prescribes rules of procedure/sanctions for prosecutors in cases of conflict of interests please select this option.

204 (Based on previous Q 233 DB Questionnaire): please see the explanation given above under Question 196 and respond considering the particularities of the system for prosecutors, if any.

Please specify in the comments which types of sanctions were pronounced, and how many for each type, if possible, in the reference year.

14.4. Disciplinary procedures against judges/prosecutors

<u>Description of the disciplinary procedure against judges:</u>

205 (Based on previous Q 234 DB Questionnaire): Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?

The body "authorised to initiate disciplinary proceedings" is the one that formally starts disciplinary proceedings by submitting an act to the authority in charge to decide on a disciplinary case. The act starting a proceeding could be a disciplinary lawsuit, disciplinary indictment or similar act. In some systems this can be a separate, autonomous body, disciplinary office, disciplinary inspector and similar.

An "ombudsman" (also known as "ombudsperson", "ombud", or "public advocate") is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an "inspector general", "citizen advocate" or other official may have duties similar to those of a national ombudsman and may also be appointed by the parliament.

The list is non-exhaustive, please select Other, if your system provides for a different party/authority authorised to initiate disciplinary proceedings against judges.

206 (Based on previous Q 235 DB Questionnaire): Which authority has disciplinary power over judges? (multiple replies possible)

"Disciplinary power" in this question should be understood as a power to sanction judges for violating disciplinary rules.

In case "Disciplinary court or body" is within the "Judicial Council", and therefore it is not clear which reply should be given, please select "Judicial Council" if the disciplinary court or body is composed exclusively from all or some members of the Council. If the disciplinary court or body is composed from members of the "Judicial Council" and other members, please select "Disciplinary court or body".

Please specify in the comments the role(s) of the authority(ies) with disciplinary power over judges.

207 (Based on previous Q 236 DB Questionnaire): What are the possibilities for the judge to present an argumentation?

When disciplinary proceeding is initiated, a judge may be authorised to present an argumentation to defend him/herself. A judge may have a possibility to present his/her arguments in oral hearing(s) and/or through a written submission. Depending on the rules of disciplinary procedure in your system, one or both of these options should be selected.

If the rules of disciplinary procedure do not provide the possibility for a judge to present an argument, please select "none".

208, 209, 210 (Based on previous Qs 237, 238, 239 DB Questionnaire)

These questions, which appear as tables, specify the total number of disciplinary proceedings against judges that are initiated (question 208), number of disciplinary cases completed (question 209) and number of the sanctions actually pronounced against judges (question 210). If a significant difference between those figures exists in your country and if you are aware of the reasons, please specify it in the comments.

Initiated case is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g., Judicial Council, disciplinary court, disciplinary committee for judges or similar body). **Only first instance** cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not), **should not be counted**.

In respect of Q 208, please specify in the comments the grounds for initiating disciplinary cases against judges in the reference year. **If the disciplinary cases are initiated because of several grounds, please count the cases only once and for the main ground.**

In respect of Q 209, completed cases should include all the cases which have come to an end, either through a judgment or through any other decision which ended the case. Only final decisions (i.e. legal remedies have not been used or have been exhausted) should be considered.

In respect of Q 210, Please specify what sanctions are included in the category "Other", if you reported data thereon.

Specific comments could in particular be developed, where appropriate, as regards the procedures initiated and the sanctions pronounced in the case of corruption of judges, namely by taking into account the reports by the Group of States against Corruption (GRECO) by country.

211 and 212 (Based on previous Qs 240 and 241 DB Questionnaire):

Question 211 aims to identify if judges have the right to appeal a disciplinary decision. If the answer is positive, please indicate which institution is competent to decide on the appeal in the following question 212.

213 (Based on previous Q 242 DB Questionnaire): Can a judge be transferred to another court without his/her consent?

This question aims to better understand the status of judges in your system, by identifying the reasons for transferring a judge without their consent as well as the procedural guarantees in place.

Description of the disciplinary procedure against prosecutors:

214 (Based on previous Q 243 DB Questionnaire): Who is authorised to initiate disciplinary proceedings against public prosecutors

The body "authorised to initiate disciplinary proceedings" is the one that formally starts disciplinary proceedings by submitting an act to the authority in charge to decide on a disciplinary case. The act starting a proceeding could be a disciplinary lawsuit, disciplinary indictment or similar act. In some systems this can be a separate, autonomous body such as disciplinary prosecutor (not to be confused with public prosecutors in criminal proceedings), disciplinary office, disciplinary inspector and similar.

An "ombudsman" (also known as "ombudsperson", "ombud", or "public advocate") is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an "inspector general", "citizen advocate" or other official may have duties similar to those of a national ombudsman and may also be appointed by the parliament.

The list is non-exhaustive, please select Other, if your system provides for a different party/authority authorised to initiate disciplinary proceedings against prosecutors.

215 (Based on previous Q 244 DB Questionnaire): Which authority has disciplinary power over public prosecutors?

"Disciplinary power" in this question should be understood as a power to sanction prosecutors for violating disciplinary rules.

In case "Disciplinary court or body" is within the "Public prosecutorial Council"/ "Judicial Council", please select "Public prosecutorial Council"/ "Judicial Council" if the disciplinary court or body is composed exclusively from all or some members of the Council. If the disciplinary court or body is composed from members of the "Public prosecutorial Council"/ "Judicial Council" and other members, please select "Disciplinary court or body".

Please specify in the comments the role(s) of the authority(ies) with disciplinary power over prosecutors.

216 (Based on previous Q 245 DB Questionnaire): What are the possibilities for prosecutors to present an argumentation

When disciplinary proceedings are initiated, a prosecutor may be authorized to present an argumentation to defend him/herself. A prosecutor may have a possibility to present his/her argument in oral hearing(s) and/or through written submission. Depending on the rules of disciplinary procedure in your system, one or both of these options should be selected.

If the rules of disciplinary procedure do not provide the possibility for a prosecutor to present an argument, please select "none".

217, 218, 219 (Based on previous Qs 246 and Q 247; Q 248 DB Questionnaire):

These questions, which appear as tables, specify the total number of disciplinary proceedings against public prosecutors that are initiated (question 217), number of disciplinary cases completed (question 218) and number of the sanctions actually pronounced against public prosecutors (question 219). If a significant difference between those figures exists in your data and if you are aware of the reasons, please specify it in the comments.

Initiated case is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g. Judicial Council, disciplinary court, disciplinary committee for prosecutors or similar body). Only first instance cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not), should not be counted.

In respect of Q 217, please specify in the comments the grounds for initiating disciplinary cases against prosecutors in the reference year. **If the disciplinary cases are initiated because of several grounds, please count the cases only once and for the main ground.**

In respect of Q 218, completed cases should include all the cases which have come to an end, either through a judgment or through any other decision which ended the case. Only final decisions (i.e. legal remedies have not been used or have been exhausted) should be considered.

In respect of Q 219, please specify what sanctions are included in the category "Other", if you reported data thereon.

Specific comments could in particular be developed, where appropriate, as regards the procedures initiated and the sanctions pronounced in the case of corruption of public prosecutors, namely by taking into account the reports by the Group of States against Corruption (GRECO) by country/jurisdiction[5].

220 and 221 (Based on previous Qs 250 and Q 251 DB Questionnaire): Can the disciplinary decision be appealed?

Question 220 aims to identify if public prosecutors have the right to appeal a disciplinary decision. If the answer is positive, please indicate which institution is competent to decide on the appeal in the following question 221.

15. Council for Judiciary/Prosecutorial Council

The notion of the Council for the judiciary must be understood in line with Opinion no.10(2007) of the CCJE on the Council for the Judiciary at the service of society[6].

Extracts from the opinion:

“The Council for the Judiciary is intended to safeguard both the independence of the judicial system and the independence of individual judges.

[…] the Council for the Judiciary has the task to set up the necessary tools to evaluate the justice system, to report on the state of services, and to ask the relevant authorities to take the necessary steps to improve the administration of justice.

Beyond its management and administrative role vis-à-vis the judiciary, the Council for the Judiciary should also embody the autonomous government of the judicial power, enabling individual judges to exercise their functions outside any control of the executive and the legislature, and without improper pressure from within the judiciary.

The relations between the Council for the Judiciary and the Minister of Justice, the Head of State and Parliament need to be determined. Furthermore, considering that the Council for the Judiciary does not belong to the hierarchy of the court system and cannot as such decide on the merits of the cases, relations with the courts, and especially with judges, need careful handling.

The Council for the Judiciary is also obliged to safeguard from any external pressure or prejudice of a political, ideological or cultural nature, the unfettered freedom of judges to decide cases impartially, in accordance with their conscience and their interpretation of the facts, and in accordance with the prevailing rules of the law.

In some member states judiciary councils extend their competences over prosecutors and prosecutorial organization, while in other systems prosecutors have a separate council. Its role, organization and competences are similar to the judiciary councils but modified in such way to reflect differences in prosecutors’ status and roles.”

Councils for the Judiciary exist in large number of judiciary systems in Europe. In some of the systems there is only one council competent for judges or prosecutors. Other systems have two separate councils; one is competent only for judges and other for prosecutors. Lastly, some systems have one council competent for both judges and prosecutors. Please indicate it, accordingly, based on the present status in your system. At the same time, models different from those described might exist, and if

[5] Fourth Evaluation Round / Quatrième Cycle d'Evaluation - Group of States against Corruption

[6] rm.coe.int/168074779b

situation in your judiciary is such that could not be included under the options offered, please provide the explanation in the comment of Question 222.

222 (Based on previous Q 266 DB Questionnaire): What is the number of members in the Council(s) and who proposes them

The Council for the Judiciary can be either composed solely of judges or have a mixed composition of judges and non-judges (Opinion no.10(2007) of the CCJE on the Council for the Judiciary at the service of society). The question aims at exploring the composition of the councils. While it is clear that councils could be composed of judges/prosecutors from different instances, it is worth noting that they can also include members from the executive branch (such as Minister of Justice), academia (for example law faculty professors), and other legal professions (representative of the bar chamber) etc. Please note that you should count the members from different institutions on the basis of which body/institution is authorised to propose them as members, irrespective of which body/institution is authorised to make a formal decision on their appointment (for example, in a situation where a university proposes a member and the Parliament formally appoints him/her, you should count this member under category “Academic institution(s)” not the “Parliament”). If there are “other” members, please describe in the comment from which institutions they are proposed and what their number is.

The number and composition might also depend on whether the system has a single council competent for both judges and prosecutors, council for judges only and council for prosecutors only. Therefore, please provide the answer in appropriate field(s) of the table reflecting particular situation that exists in your system.

The purpose of this question is to understand the composition of the Council(s) in your country: mixed (majority or minority of judges/ prosecutors) or composed exclusively by judges/ prosecutors. The focus of this question is on bodies/institutions authorised to propose members of the Councils. Category 1 aims at identifying the number of judges/prosecutors proposed and elected by peers from courts/prosecution offices, respectively. If possible, please report the numbers by instances (sub-categories 1.1 to 1.3). If not, a total for category 1 should be provided. The list of authorities authorised to propose Council(s) members is not exhaustive, please thus specify which authority (other than the ones listed in the table) is reported under sub-category 2.7 Other.

Please specify in the comments the procedure for proposing Council(s) members and include references the applicable legislation in force in the reference year, accordingly.

223 (Based on previous 267 DB Questionnaire): Who appoints the members of the Council(s):

The focus of this question is on the procedure for appointment of Council(s) members, which in some countries can differ from the procedure of proposing members thereof.

Please indicate who appoints the members of the Council(s) respectively in the categories 1. Judges/prosecutors members and 2. non-judge/non-prosecutors members.

The list of authorities authorised to appoint Council(s) members is not exhaustive, please thus specify which authority (other than the ones listed in the table) is reported under sub-category 2.6 Other.

As in the previous question, please note that the answer might depend on whether the system has a single council competent for both judges and prosecutors, a council for judges only and a council for prosecutors only. Therefore, please provide the answer in appropriate field(s) of the table reflecting the particular situation that exists in your system.

Please specify in the comments the procedures for appointing Council(s) members (including by specifying *ex officio* appointments, if such exist in your system) and include references the applicable legislation in force in the reference year, accordingly.

224 (Based on previous Q 268 DB Questionnaire): Are there selection criteria for non-judge/non-prosecutor members in the Council(s)?

If your system sets specific selection criteria for appointment of members coming from outside of judiciary, such as years of experience, relevance of previous work etc., please select "Yes" and specify them in the comment area.

225 (Based on previous Q 269 DB Questionnaire): What is the term of office of the members of the Council(s) in years?

The mandate of the members of the Council(s) is usually limited to a certain period of time. Please answer what is the term of office for the members, and please indicate this number in years (for example, if the term of office is 60 months, the answer should be 5 years).

Please note that, consistent with previous questions, there are three options in the table depending on whether the system has a single council competent for both judges and prosecutors, a council for judges only and a council for prosecutors only. Therefore, please provide the answer in appropriate field(s) of the table reflecting the particular situation that exists in your system.

If the term in office is different for different members, please specify it accordingly in the Comments.

226 (Based on previous Q 270 DB Questionnaire): What are the conditions for the term of office of members of the Council(s)?

This question refers to all the members of the Council(s) and is applicable to both judges/prosecutors and non-judges/non-prosecutors' members.

The term of office might be renewable when the laws allow for a member to be appointed more than once. This situation includes the possibility to be appointed a second time for a shorter term of office (partially renewable).

Non-renewable term of office exists when it is prohibited for a member to be appointed after the first term of office has ended.

Full time position in the Council means that a member cannot perform other professional work during the term of office.

If, however, the position is not full time and a member simultaneously performs other professional work during the term of office, please indicate if he/she can be subjected to evaluation of his/her performance in that other workplace.

Please note that, consistent with previous questions, there are three options in the table depending on whether the system has a single council competent for both judges and prosecutors, a council for judges only and a council for prosecutors only. Therefore, please provide the answer in appropriate field(s) of the table reflecting the particular situation that exists in your system.

Please specify in the Comments any conditions which exist in your system in addition to the ones mentioned in the table and explain it accordingly.

227 (Based on previous Q 271 DB Questionnaire): Please describe the different competences of the Council(s).

From appointment and promotion of judges to disciplinary proceedings and deciding on budgetary matters, the Councils have different competencies in different systems. Please list all the competencies the council(s) have in your justice system.

This question equally seeks to clarity how different functions are distributed among different members/bodies of the Council(s) to avoid/prevent the overconcentration of the decision-making powers in respect of judges/prosecutors. Judicial and Prosecutorial councils have wide-ranging powers over the career of judges and prosecutors, ranging from their appointment to their promotion, transfer, ethics and disciplinary liability. It is therefore possible for the same judicial/prosecutorial council members to be involved in different aspects of a judge's or a prosecutor's professional life, and this may well create conflicts of interests and have an impact on the effective independence in the work of the individual judges/prosecutors concerned. Opinion No. 10(2007) of the Consultative Council of European Judges (CCJE) on the Council for the Judiciary recognizes that there may be conflicts in the different functions performed by judicial councils and that, therefore, it is important to provide a proper separation of roles in such cases. As to prosecutors, Opinion No. 13(2018) of the Consultative Council of European Prosecutors (CCPE) on Independence, Accountability and Ethics of Prosecutors calls for the process of appointment, transfer, promotion and discipline of prosecutors to be as close as possible to that of judges. The principle of separation of roles should, therefore, also apply to the different roles performed by the prosecutorial councils. Please clarity those accordingly in the comments.

Please note that, consistent with previous questions, there are three options in the table depending on whether the system has a single council competent for both judges and prosecutors, a council for judges only and a council for prosecutors only. Therefore, please provide the answer in appropriate field(s), reflecting the particular situation that exists in your system.

228 (Based on previous Q 273 DB Questionnaire): What accountability measures are in place regarding the activities of the Council(s)?

To ensure and strengthen the accountability of the Council(s), the laws/regulations prescribe that the Council(s) have a duty to publish their activity reports. These reports usually list activities performed by the councils in all the areas of their respective competences and/or analyse the judiciary's needs. In addition, some of the systems require councils to publish information on their decisions, such as decisions on appointment of judges/prosecutors or decisions on pronouncing disciplinary sanctions against judges/prosecutors. Furthermore, sometimes it is mandatory for the councils to publish the decisions in full and/or provide reasoning of their decisions.
If other accountability and transparency measures are in place in your system, please select "Other" and specify it in the comments. Please mention how regularly are decisions/reports published. Please provide links to the publication sites, accordingly, for the council(s) which function in your country.

229 (Based on previous Q 274 DB Questionnaire): Is/Are the Council(s) competent when it is evident that there is a breach of the independence or the impartiality of a judge or pressure on a prosecutor

In some judicial systems, the Council(s) are competent to adopt certain measures in situations when there is a breach of independence or the impartiality of a judge or a pressure on a prosecutor. Please select the appropriate answer depending on what kind of council(s) exist in your system. Furthermore, please provide detailed explanations in the comment particularly pointing out the legal provisions on Council(s) competences in these situations, mechanisms available and procedures to be followed by judges/prosecutors and Council(s), respectively.

16. ICT

Please note that the information provided in response to the following questions under section 16 are collected for the Dashboards only.

230 (Based on previous Q 82-0) Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

An Information and Communication Technology (ICT) strategy is an effective plan for future development in ICT in judiciary in a written and binding form. It usually also includes an action plan, or it is accompanied by one. Planned actions can include the development and/or evolution of the Case Management System (CMS), digitalisation of new branches (e.g. digitalisation of administrative procedures), or development and implementation of new software/tools for specific litigation. In this question, the focus is on the ICT strategy that is specific to the judiciary.

Please provide the currently valid document in English.

231 (Based on previous Q 82) Is there a case management system (CMS) (Software used for registering judicial proceedings and their management)?

Case management system: this question and the following questions relates to business-management software or a suite of integrated applications, Enterprise resource planning (ERP) system, the workflow used by courts to register and manage their cases. Case management system (CMS) as a central tool of each electronic judicial information system is directly or indirectly linked with other existing tools. CMS is essential and this question deals with its deployment rate as well different connectivity and accessibility features of the system.

232 (Based on previous Q 082-1-0) In case there is more than one CMS, how many are they? Please specify and explain.
Judicial systems may employ a singular, comprehensive Case Management System (CMS) that is used across all case categories and court instances. Alternatively, they may employ distinct CMSs based on various factors, such as case category (e.g., one CMS for civil cases and another for criminal cases), court instance (e.g., a different CMS for the Supreme Court), or geographical location (e.g., a different CMS for courts in the capital city). If multiple CMSs are in use, the description should specify the number of systems employed and delineate where each system is used. It should be also specified if these systems are integrated and or interoperable.

This question should be answered only when there is more than one CMS. In case, there is only one, please answer NAP to this question and add a comment, when needed.

233 (Based on previous Q 82-1) When was the running CMS developed (or in case of major redevelopment when it was redesigned)?

The question refers to the time from the moment when the last significant changes the CMS were installed and operational. It does not refer to standard evolutions connected to the proper functioning of the CMS but only major changes with adding functionalities or upgrading of the system.

234 (Based on previous Q 82-2.) Are there plans for a significant change in the present IT system in the judiciary in the next year (Change of CMS or other main application)?

This question should confirm what might already be part of the IT strategy (in case the strategy is closely followed),and provide clear statement if there will be changes expected in the CMS or other important system(s) within the judiciary in the next year.