



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE  
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2009

## Country: Sweden

### National correspondent

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## 1. Demographic and economic data

### 1. 1. General information

#### 1. 1. 1. Inhabitants and economic information

##### 1) Number of inhabitants

9182927

##### 2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	146042000000
Regional / entity level	NAP

##### 3) Per capita GDP (in €)

31713

##### 4) Average gross annual salary (in €)

29999

##### 5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2009

108405

#### Please indicate the sources for questions 1 to 4 and give comments concerning the interpretation of the figures supplied if appropriate:

State budget plan and Statistics Sweden

Question 5: Please note that the correct exchange rate is 10.8405 (the database would not accept the punctuation).

### 1. 2. Budgetary data concerning judicial system

#### 1. 2. 1. Budget (courts, public prosecution, legal aid, fees)

##### 6) Total annual approved budget allocated to all courts (in €)

399825654

##### 7) Please specify

Public Prosecutions offices not included

##### 8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned or indicate NA (not available) in case that the information cannot be supplied

**Please provide comments to explain the data provided under question 8:**

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	314083631
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	10305719
Annual public budget allocated to justice expenses		NA
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	58392988
Annual public budget allocated to investments in new (court) buildings		NA
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	6150369
Other (please specify):	<input checked="" type="checkbox"/> Yes	10892947

## Comment :

Due to differences in nomenclature within different audit systems there is an inherent problem in comparing numbers. As a result, the figures presented above should be used with prudence.

**9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?**

- Yes  
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years):

2006: 452 000 000 2008: 400 000 000 (Exchange rate effect)

**10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

- for criminal cases?  
 for other than criminal cases?

If yes, are there exceptions? Please specify:

**11) If yes, please specify the annual income of court fees (or taxes) received by the State (in Euros)**

3566533

**12) Total annual approved budget allocated to the whole justice system (in €)****Please provide information concerning the budgetary elements that included in the whole justice system budget:**

.  Amount 3033863752

## Comment :

**13) Total annual approved public budget allocated to legal aid (in €)****Please provide comments to explain the figure provided under question 13:**.  Amount 142633089

Comment :

**14) If possible, please specify (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Annual public budget allocated to legal aid in criminal law cases	Annual public budget allocated to legal aid in non criminal law cases
Amount	NA	NA

Comment :

From that year no longer divide the legal aid budget in criminal and other cases.

**15) Is the public budget allocated to legal aid included in the court budget ?**

- Yes  
 No

**16) Total annual approved public budget allocated to the public prosecution system (in €)****Please provide comments to explain the figure provided under question 16:**.  Amount 128301090

Comment :

**17) Is the budget allocated to the public prosecution included in the court budget?**

- Yes  
 No

**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	Yes	No	No	Yes
Other ministry	Yes	No	No	Yes
Parliament	No	Yes	No	Yes
Supreme Court	No	No	No	No
Judicial Council	No	No	No	No
Courts	No	No	No	No
Inspection body	No	No	No	Yes

Other	No	No	Yes	Yes
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**19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):**

Ministry of Finance  
Swedish National Audit Office  
National Courts Administration

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your budgetary system and the main reforms that have been implemented over the last two years
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process

**Please indicate the sources for answering the questions 6, 8, 11, 12, 13, 14 and 16.**

Official budgetary data from the Ministry of Justice

## 2. Access to Justice and to all courts

### 2. 1. Legal aid

#### 2. 1. 1. Principles

#### 20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	Yes	Yes
Legal advice	No	Yes
Other	Yes	Yes

#### 21) If other, please specify (in regards to question 20):

Travel expenses

Counsel to the injured party

#### 22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

According to section 19 of the Legal Aid Act, legal aid covers various court fees related to the execution of judicial decisions.

#### 23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

#### 24) Number of cases granted with legal aid provided by (national, regional, local) public authorities (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):

	Number
Total	NA
in criminal cases	NA
Other than criminal cases	NA

Comment :

#### 25) In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes

No

**26) Does your country have an income and asset test for granting legal aid:**

	Yes	Amount in €
for criminal cases	NAP	NAP
for other than criminal cases?	Yes	23984 p year

Comment :

**27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?**

Yes

No

Please provide comments to explain the answer under question 27:

**28) If yes, is the decision for granting or refusing legal aid taken by:**

the court?

an authority external to the court?

a mixed decision-making authority (court and external)?

**29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?**

Yes

No

Please specify:

The benefits according to the Swedish Legal Aid Act are subsidiary to the private insurance system. An individual who owns an insurance which cover legal expenses shall always use the insurance.

**30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:**

	Yes (the decision has an impact on who bears the legal costs)
criminal cases?	Yes
other than criminal cases?	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years



Question 28: If the case has not yet been initiated at a court the decision is made by the Legal Aid Authority. Otherwise, the decision is made by the court.

On 1 January 2010 some changes in the Swedish code of judicial procedure and in the Swedish Legal Aid Act will enter into force. The object of those amendments is to strengthen the applicant's possibility to choose his or her own legal representative.

**Please indicate the sources for answering the questions 24 and 26**

Question 26: Section 6 of the Swedish Legal Aid Act.

## 2. 2. Users of the courts and victims

### 2. 2. 1. Rights of the users and victims

**31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> legal texts (e.g. codes, laws, regulations, etc.)? Internet address(es): | <input checked="" type="checkbox"/> Yes | <a href="http://www.lagrummet.se">www.lagrummet.se</a>  |
| <input type="checkbox"/> case-law of the higher court/s? Internet address(es):                    | <input checked="" type="checkbox"/> Yes | <a href="http://www.rattsinfosok.dom.se">www.rattsinfosok.dom.se</a><br>and<br><a href="http://www.hogstodomstolen.se">www.hogstodomstolen.se</a> |
| <input type="checkbox"/> other documents (for examples forms)? Internet address(es):              | <input checked="" type="checkbox"/> Yes | <a href="http://www.domstol.se">www.domstol.se</a>  |

**32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?**

- Yes  
 No

If yes, please specify:

**33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?**

- Yes  
 No

If yes, please specify:

[www.brottsoffermyndigheten.se](http://www.brottsoffermyndigheten.se)

**34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:**

Victims of rape	No	Yes	Yes	No
Victims of terrorism	No	Yes	Yes	No
Children/Witnesses/Victims	No	Yes	Yes	No
Victims of domestic violence	No	Yes	Yes	No

Ethnic minorities	No	Yes	Yes	No
Disabled persons	No	Yes	Yes	No
Juvenile offenders	No	Yes	Yes	No
Other	No	No	No	No

Comment :

**35) Does your country have a compensation procedure for victims of crimes?**

- Yes  
 No

**36) If yes, does this compensation procedure consist in:**

- a public fund?  
 a court decision?  
 a private fund?

If yes, which kind of cases does this procedure concern?

If the defendant is ordered by the court to pay compensation (damages) to the victim and the defendant lacks assets the victim may be compensated by the Crime Victim Compensation and Support Authority.

**37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?**

- Yes  
 No

If yes, please specify:

**38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?**

- Yes  
 No

If yes, please specify:

When a private claim is based upon an offence subject to public prosecution, the prosecutor, upon request of the aggrieved person, shall also prepare and present the aggrieved person's action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit.

During the inquiry of an offence, if the investigation leader or the prosecutor finds that a private claim may be based upon the offence, he or she shall if possible, notify the aggrieved person in sufficient time prior to the institution of the prosecution.

**39) Do victims of crimes have the right to contest to a decision of the public prosecution to discontinue a case?**

Yes No

If yes, please specify:

It is possible to request a retrial of a prosecutor's ruling concerning, for example, a discontinued preliminary investigation or a decision not to bring charges. If a request for a retrial is received by a public prosecution office, first of all the prosecutor who made the ruling shall decide whether or not any new circumstances have come to light in the matter. If new circumstances are cited, the prosecutor reconsiders his/hers decision. If not, the case will be reviewed by the Director of Public Prosecution. The decision of the Director of Public Prosecution can in its turn be reviewed by the Prosecutor-General.

## 2. 2. 2. Confidence of citizens in their justice system

### 40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Financial compensation for a wrongful arrest/wrongful condemnation can be received for suffering, loss of income and expenses. Suffering is normally compensated with approximately 80-110 € per day, but the amount can - depending on the circumstances in the case - be lower or (in some extraordinary cases) much higher. Compensation can be awarded by the Chancellor of Justice or decided by court.

Damages for excessive length of proceedings is awarded according to the case-law of the European Court of Human Rights.

### 41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction (with the services delivered by the judiciary system)?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

### 42) If possible, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	No	Yes
Surveys at court level	No	Yes

**43) Is there a national or local procedure for making complaints about the functioning (for example the treatment of a case by a judge or the duration of a proceeding) of the judicial system?**

- Yes  
 No

**44) If yes, please specify:**

**Please give elements of information concerning the efficiency of this complaint procedure:**

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	No	No
Higher court	No	No
Ministry of Justice	No	No
High Council of the Judiciary	No	No
Other external organisations (e.g. Ombudsman)	No	No

**Comment :**

**Measures to prevent delays**

The Swedish Parliament has recently passed a bill on a new law, "Declaration of Priority in Courts". The bill aims to improve the citizen's possibilities to speed up the court's handling of a specific case. An application for a Declaration of Priority can be made in all types of cases in court. If the handling of the case in question has been unreasonably delayed the chief judge shall declare the case to have priority. When deciding whether the handling of the case has been unreasonably delayed the chief judge shall especially consider the complexity of the case, how the parties have been acting during the process, how the court has handled the case and the importance of the matter for the applicant. The law entered into force on 1 January 2010.

**Certain specific remedies**

Specifically with respect to the conduct of proceedings before the court, chapter 49, section 7 of the Swedish code of judicial procedure provides that a party who is of the opinion that the processing of the case has been unnecessarily delayed by decision of a district court may file an interlocutory appeal against the decision. If the court of appeal finds that the appeal is meritorious it may quash the disputed decision.

Where criminal proceedings have exceeded a reasonable time, this may cause the sentence imposed to be more lenient. Thus, chapter 29 section 5 and chapter 30 section 4 of the Swedish penal code provides that courts in criminal cases shall, both in its choice of sanction and in its determination of the appropriate punishment, take into account whether an unusually long time has elapsed since the commission of the offence. Similarly, in tax cases, the Tax Authority and the administrative courts may reduce or remit a tax surcharge when the taxpayer has not had his or her case determined within a reasonable time (chapter 5, section 14.3 of the taxation act).

**Supervisory remedies**

The Parliamentary Ombudsmen and the Chancellor of Justice exercise control, inter alia, over the conduct of proceedings before public authorities, including the courts. Where appropriate the Ombudsmen and the Chancellor of Justice may criticise an authority's delay in deciding a matter before it. However, the Ombudsmen and the Chancellor of Justice have no power to directly order a public authority to conclude proceedings within a certain time-period.

Court presidents and other senior judges responsible for divisions or sections within a court are responsible for ensuring that cases are determined within a reasonable time. The manner in which they exercise this control function is regularly reviewed by the Parliamentary Ombudsmen.

A public official who intentionally or through carelessness disregards the duties of his office, e.g. by omitting to render a decision in a matter that is pending before him, may be held criminally or administratively responsible and subjected to criminal or disciplinary sanctions (chapter 20, section 1 of the Swedish penal code and section 14 of the Public Employment Act).

#### Compensatory remedy

An individual may be entitled to compensation for loss, injury or damage caused by the excessive length of proceedings. Pursuant to chapter 3 section 2 of the 1972 Tort Liability Act the state shall be held liable to pay compensation for personal injury, loss of or damage to property and financial loss where such loss, injury or damage has been caused by a wrongful act or omission done in the course of, or in connection with, the exercise of public authority in carrying out functions for the performance of which the state is responsible.

On the basis of rather recent developments in the case-law of the Swedish Supreme Court, it must be concluded that Swedish law provides a remedy in the form of compensation for pecuniary and non-pecuniary damage in respect of any violation of the European Convention on Human Rights, including violations on account of excessive length of all types of proceedings under Article 6 § 1 of the Convention.

Given the recent development in Swedish case-law, the Government has appointed an investigator to further analyze under which circumstances the state has an obligation under Article 13 of the Convention to compensate individuals who have suffered from a violation of the Convention. In the light of this analysis the investigator shall propose an accessible legislation that clarifies the obligation of the state to pay damages in cases of violations of the Convention. The conditions for that obligation shall if possible be explicitly stated in the legislation. The report shall be submitted to the Government in December 2010.

### 3. Organisation of the court system

#### 3. 1. Functioning

##### 3. 1. 1. Courts

**45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation.**

	Total number
First instance courts of general jurisdiction	76
Specialised first instance Courts (legal entities)	11
All the Courts (geographic locations) * (this includes Supreme Courts and/or High Courts)	134

**46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):**

The Labour Court (1)

The Market Court (1)

The Court of Patent Appeals (1)

The Regional rent and tenancies tribunals (8)

Out of the Swedish district courts, 25 are also land courts, 5 are also environmental courts and 7 are also maritime law courts. Svea Court of Appeal is also the Environmental Court of Appeal.

Three of the Swedish county administrative courts are also migration courts and the Administrative Court of Appeal in Stockholm is also the Migration Court of Appeal.

A large number of the Swedish administrative courts are specialized. This fact depends on the design of the rules governing their jurisdiction.

**47) Is there a change in the structure in the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?**

Yes

No

If yes, please specify:

There will be a significant reduction of the number of county administrative courts (from 23 to 12). This reform will take its effect by 15 February 2010.

**48) Number of first instance courts competent for a case concerning (if no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation):**

	Number
a debt collection for small claims	53
a dismissal	53
a robbery	53

**Please specify what is meant by small claims in your country (answer only if the definition has been changed since the previous evaluation cycle):**

In 2008, a claim that concerned less than 20500 SEK (approximately 1891 €).

**Please indicate the sources for answering the questions 45 and 48:**

Annual report of the National Courts Administration.

### 3. 1. 2. Judges, courts staff

**49) Number of professional judges sitting in courts (please give the information in full time equivalent and for permanent posts; if there is no data please indicate this with NA)**

**Please provide comments to explain the answer under question 49:**

Number  . 1039

Comment :

Beside the 1039 permanent professional judges 479 associate judges were sitting in Swedish courts in 2008.

**50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:**

	Number
gross figure	174
if possible, in full time equivalent	NA

**51) Please provide comments to explain the answer under question 50:**

During 2008, 174 former professional judges, who are now retired, sat in Swedish courts on an occasional basis.

**52) Is there in the legal system non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs? (Please indicate NA if no figures are available).**

**Please provide comments to explain the answer under question 52:**

	Yes	Number
Do you have non-professional judges?	Yes	8228

Comment :

**53) Does your judicial system include trial by jury with the participation of citizens?** Yes No

If yes, for which type of case(s)?

Only press libel/freedom of speech cases include trial by jury.

**54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?**

90

**55) Number of non-judge staff who are working in courts (in full time equivalent and for permanent posts). Please indicate NA if no figures are available.****Please provide comments to explain the answer under question 55:**Number  . 3418

Comment :

**56) If possible, could you distribute this staff according to the 4 following categories. If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

- non-judge staff (Rechtspfleger or similar bodies), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal NAP
- non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars NAP
- staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) NAP
- technical staff NAP

Comment :

**57) If there are Rechtspfleger (or similar bodies) in your judicial system, please describe briefly their status and functions:**

NAP in Sweden

**3. 1. 3. Prosecutors****58) Number of public prosecutors (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).**



Number

.

831

Comment :

738 prosecutors worked at the Swedish Prosecution Authority and 93 prosecutors worked at the Swedish Economic Crime Authority.

**59) Do any other persons have similar duties as public prosecutors?** Yes No

If yes, please specify:

**60) Number of staff (non prosecutors) attached to the public prosecution service (in full time equivalent and for permanent posts). If there is no data available please indicate it (NA).****Please provide comments to explain the answer under question 60:**

Number

.

356

Comment :

327 at the Swedish Prosecution Authority and 29 at the Swedish Economic Crime Authority.

## 3. 1. 4. Court budget and new technologies

**61) Who is entrusted with the individual court budget?**

	Preparation of the budget	Arbitration and allocation	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	No	No	No	No
Court President	Yes	Yes	Yes	Yes
Court administrative director	Yes	Yes	Yes	Yes
Head of the court clerk office	No	No	No	No
Other	No	No	No	No

**62) You can indicate below:**

- any useful comments for interpreting the data mentioned above
- if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process in the court

**63) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?**

Word processing	Yes	No	No	No
Electronic data base of jurisprudence	Yes	No	No	No

Electronic files	No	No	No	Yes
E-mail	Yes	No	No	No
Internet connection	Yes	No	No	No

**64) For administration and management, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Case registration system	Yes	No	No	No
Court management information system	Yes	No	No	No
Financial information system	Yes	No	No	No

**65) For the communication between the court and the parties, what are the computer facilities used within the courts?**

	100% of courts	+50% of courts	-50% of courts	-10% of courts
Electronic web forms	No	No	No	Yes
Special Website	No	No	No	Yes
Other electronic communication facilities	No	No	No	Yes

**66) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes  
 No

If yes, please specify the name and the address of this institution:  
The Swedish National Courts Administration, 551 81 JÖNKÖPING

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your judicial system and the main reforms that has been implemented over the last two years

### 3. 2. Monitoring and evaluation

#### 3. 2. 1. Monitoring and evaluation

**67) Are the courts required to prepare an annual activity report?**

- Yes  
 No

**68) Do you have a regular monitoring system of court activities concerning the**

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

The number of cases involving an interpreter and the number of divorce cases can also be found.

**69) Do you have a regular system to evaluate the performance of each court?**

- Yes
- No

Please specify:

Filed, determined, backlog and age structure.

**70) Concerning court activities, have you defined performance indicators (if no, go to question 72)?**

- Yes
- No

**71) Please select the 4 main performance and quality indicators that is used for a proper functioning of courts:**

- incoming cases
- length of proceedings (timeframes)
- closed cases
- pending cases and backlogs
- productivity of judges and court staff
- percentage of cases that are treated by a single sitting judge
- enforcement of penal decisions
- satisfaction of employees of the courts
- satisfaction of clients (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- other:

Please specify:

**72) Are there performance targets defined for individual judges (if no go to question 74) ?**

- Yes

No

**73) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

**74) Are there performance targets defined at the level of the courts (if no go to question 77)?**

- Yes
- No

**75) Please specify who is responsible for setting the targets:**

- executive power (for example the ministry of Justice)?
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

If other, please specify:

The Government sets the general targets for the courts every year. The detailed targets are set after a discussion between the court presidents and the National Courts Administration. The Supreme Court and the Supreme Administration Court set their own targets.

**76) Please specify the main targets applied**

Average length of proceedings for different types of cases.

**77) Which authority is responsible for the evaluation of the performances of the courts:**

- High Council of judiciary
- Ministry of justice
- inspection authority
- Supreme Court
- external audit body
- other

If other, Please specify:

**78) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?**

- Yes  
 No

If yes, please specify:

**79) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?**

- Yes  
 No

**80) Is there a system which measures the backlogs and which detects the cases not processed within a reasonable timeframe for:**

- civil cases?  
 criminal cases?  
 administrative cases?

**81) Do you have a way of analysing waiting time during court procedures?**

- Yes  
 No

If yes, please specify:

**82) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?**

- Yes  
 No

Please specify (including an indication of the frequency of the evaluation):

**83) Is there a system for monitoring and evaluating the functioning of the prosecution services?**

- Yes  
 No

If yes, please specify:

Statistics concerning e.g. the number of incoming cases, number of decisions by a prosecutor , length of investigations, percentage of cases charged/dropped.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**

**the characteristics of your court monitoring and evaluation system**

## 4. Fair trial

### 4. 1. Principles

#### 4. 1. 1. General principles

**84) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements)? If no data is available (NA) or if it does not apply to your system (NAP) please indicate it with the relevant abbreviation).**

NA

**85) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?**

Yes

No

If possible, number of successful challenges (in a year):

**86) Please give the following data concerning the number of cases regarding Article 6 of the European Convention of Human Rights (on duration and non-execution), for the year of reference. If there is no data available, please indicate it (NA).**

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	NAP	NAP	1	NAP
Civil proceedings - Article 6§1 (non-execution)	NAP	NAP	NAP	NAP
Criminal proceedings - Article 6§1 (duration)	NAP	3	NAP	NAP

### 4. 2. Timeframes of proceedings

#### 4. 2. 1. General information

**87) Are there specific procedures for urgent matters as regards:**

civil cases?

criminal cases?

administrative cases?

Please specify:

Accelerated procedures exist in civil cases as well as in criminal and administrative cases. For example, procedures of urgency can be used in administrative cases concerning the right to control and care for a child, in criminal cases when the defendant is under arrest or in detention and in civil cases when it is reasonable to suspect that the opposing party will evade payment of the debt.

**88) Are there simplified procedures for:**

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

Please specify (for example if you have introduced a new law on simplified procedures):

In civil cases amenable to out of court settlement, the district court shall consist of a single legally qualified judge, if the value of the claim obviously does not exceed half of the base amount according to the National Insurance Act. In 2008, half of the base amount was about 1891 €. In such small claims cases, the right to compensation for litigation costs is limited.

In criminal cases, simplified procedures can be used, inter alia in the following cases:

1. Summary penalty order: in the case of less serious crimes, the prosecutor may decide on a so-called summary penalty order instead of prosecuting. This means that the prosecutor, without a trial, decides that the suspect should pay a fine. A precondition for this is that the person suspected of the offence has confessed to it. Summary penalty orders are common in the case of traffic offences, e.g. speeding.

2. Judgment in simplified form: if the defendant has admitted the act and a penalty other than imprisonment, or closed juvenile care or of imprisonment for a term of no more than six months is imposed, the judgment may be rendered in simplified form. A judgment by an appellate court confirming the judgment of a lower court may also be rendered in simplified form (chapter 30, section 6 of the Swedish code of judicial procedure).

3. Without oral hearing: As a main rule, a criminal case shall be adjudicated after a main (oral) hearing. However, if there is no grounds to improve a criminal sanction other than a fine, if neither of the parties have asked for an oral hearing and if the matter can be satisfactorily investigated, the case may be adjudicated without a main hearing (chapter 45 section 10 a of the Swedish code of judicial procedure).

**89) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?**

- Yes
- No

If yes, please specify:

For example agreements that a civil case should be decided upon by a single judge, timeframes for the parties (lawyers) in civil cases when to submit conclusions and written evidence.

**4. 2. 2. Penal, civil and administrative law cases**

**90) Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)*	80845	172206	182808	70136
1 Civil (and commercial) litigious	26902	51348	50845	27433



cases*				
2 Civil (and commercial) non-litigious cases*	8843	21098	20940	8777
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	42282	96759	107939	31200
7 Other	2818	3001	3084	2726
Total criminal cases (8+9)	30484	83037	82504	30697
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and / or minor offences cases	NAP	NAP	NAP	NAP

**91) Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases - definition of misdemeanour cases, minor offences and severe criminal cases):**

The category "Civil and commercial litigious cases" include small claims cases, ordinary civil cases and "family cases".

The category "Civil and commercial non-litigious cases" include only non-litigious divorce cases.

Included in the category "Other" are environmental cases and land cases.

Please note that administrative law cases are only accounted for in category 6, and are thus not included in category 1. Those cases are handled separately by the county administrative courts while the other cases are handled by the district courts.

**92) Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 91.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and types of criminal law cases and possibly the existence of appeal rates for some case categories):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	6991	23632	24128	6484
1 Civil (and commercial) litigious cases*	1469	2752	2811	1408
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry	NAP	NAP	NAP	NAP

cases**				
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	12711	26158	26791	12068
7 Other	245	597	553	289
Total criminal cases (8+9)	3599	9030	9276	3341
8 Criminal cases (Severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour and/or minor offences cases	NAP	NAP	NAP	NAP

Comment :

The category "Other" include environmental cases".

Regarding administrative law cases, please see answer to question 91. The administrative law cases are handled by the administrative courts of appeal while the other cases are handled by the "regular" courts of appeal.

**93) Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**\* Please indicate (in the comments below) which types of cases are included in the total figures of civil, commercial and administrative law cases.**

**\*\* if applicable**

**Please check the consistency of data as mentioned under question 88.**

**Comments (including an indication of the cases that are included in the total figures of civil, commercial and administrative law case and on possible limitations to the appeal to the highest instance court):**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases* (litigious and non-litigious)	1120	5420	5221	1318
1 Civil (and commercial) litigious cases*	200	588	566	222
2 Civil (and commercial) non-litigious cases*	NAP	NAP	NAP	NAP
3 Enforcement cases	NAP	NAP	NAP	NAP
4 Land registry cases**	NAP	NAP	NAP	NAP
5 Business register cases**	NAP	NAP	NAP	NAP
6 Administrative law cases	6618	8684	10313	4941
7 Other	699	3278	3161	815
Total criminal cases (8+9)	221	1554	1494	281
8 Criminal cases (severe criminal offences)	NAP	NAP	NAP	NAP
9 Misdemeanour cases (minor offences)	NAP	NAP	NAP	NAP

Comment :

Administrative law cases are only indicated in section 6 (thus, they are not included in section 1 "Total of civil, commercial..."). The administrative law cases are handled by the Supreme Administrative

Court, while the other cases in the table are dealt with by the Supreme Court.

**94) Number of litigious divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts: please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Jan. '08
Litigious divorce cases*	4417	7186	6985	4618
Employment dismissal cases*	NA	NA	NA	NA
Robbery cases	NAP	NAP	NAP	NAP
Intentional homicide	NAP	NAP	NAP	NAP

**95) Average length of proceeding (from the date of lodging of court proceedings) in days, number of pending cases more than 3 years and percentage of cases subject to appeal: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 92:**

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance (average length)	2d instance (average length)	Total procedure (average total length)
Litigious divorce cases*	NAP	0,05	234 days	NAP	NA
Employment dismissal cases*	NA	NA	NA	NA	NA
Robbery cases	NAP	NAP	NAP	NAP	NAP
Intentional homicide	NAP	NAP	NAP	NAP	NAP

Comment :

Litigious divorce cases may contain action about custody etc. The percentage of pending cases more than 3 years concerns only 1 st instance.

**96) Where appropriate, please specify the specific procedure as regards (litigious and non-litigious) divorce:**

If neither of the spouses live together with their own children and they have jointly applied for a divorce, the district court may issue a judgment as soon as possible. If the spouses wish, they can have a period for reconsideration before the judgment is made. The period for reconsideration is always at least six months and at most one year. If the spouses still want to get divorced when the six months have expired, they must give notice of this to the district court (so-called completion). This notification must be received by the district court after the six months have expired. If the notification for completion is not received by the district court within one year, the matter will be written off.

If the spouses have children living at home (their own, the wife's/husband's or common children), or if one of the spouses does not agree to get divorced, there will always be a period of reconsideration.

If the spouses have lived apart for more than two years they can have a divorce directly, even if they have children or if one of the spouses doesn't agree on getting divorced. In that event the husband or wife should enclose a certificate of separate living.

**97) How is the length of proceedings calculated for the four case categories? Please**

**give a description of the calculation method.**

Average length of proceedings in divorce cases is calculated from the date when the application of summons is received by the court until the date of the judgment.

**98) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):**

- to conduct or supervise police investigation
- to conduct investigation
- when necessary, to demand investigation measures from the judge
- to charge
- to present the case in the court
- to propose a sentence to the judge
- to appeal
- to supervise enforcement procedure
- to end the case by dropping it without the need for a judicial decision
- to end the case by imposing or negotiating a penalty without a judicial decision
- other significant powers

Please specify:

It is not compulsory for the prosecutor to propose a sentence to the judge but none the less this is often done by the prosecutor.

**99) Does the prosecutor also have a role in civil and/or administrative cases?**

- Yes
- No

Please specify:

**100) Functions of the public prosecutor in relation to criminal cases – please complete this table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 100 and indicate in particular if the data given include traffic offences:**

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	691988				52508	200212

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning timeframes of proceedings and the

**main reforms that have been implemented over the last two years**

**Please indicate the sources for answering the questions 90 to 95 and 100:**

Annual reports of the National Courts Administration, the Swedish Prosecution Authority and the Swedish Economic Crime Authority.

## 5. Career of judges and prosecutors

### 5. 1. Appointment and training

#### 5. 1. 1. Recruitment, nomination and promotion

##### **101) How are judges recruited?**

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

Other, please specify:

Judges are appointed by the Government under an applications procedure. The applications procedure does not apply to the highest offices. Judges are appointed essentially on the basis of ability and suitability for the profession. In making its choices the Government is assisted by a special judicial appointments commission. The commission's main function is to make recommendations to the Government for the filling of appointments.

In Sweden judges are usually trained specifically for the profession. Thus, persons trained as judges make up the main base for recruitment of professional judges. Such training is however not an absolute condition. Anyone with a legal qualification, such as a prosecutor or a lawyer, may apply for a post as a judge.

In order to be accepted for training as a judge the prospective trainee must have both a bachelor of laws degree and a qualification as a court clerk, i.e. he or she must have worked for two years as a clerk at a district court or county administrative court. A person accepted for training as a judge is employed as a reporting clerk at a court of appeal, general or administrative, on six months probation. (The courts of appeal decide themselves who they employ as reporting clerks). If his or her performance over the probationary period is approved, the trainee is employed as a reporting clerk at the court of appeal on conditional tenure. After at least one year in that capacity, the trainee serves as an assistant judge at a district court or county administrative court for another two years. An assistant judge deals with the court's business in the same way as the regular judges.

In the final stage of training, the assistant judge returns to the general or administrative court of appeal to serve as a judge for at least a year. Once that period of service has been successfully completed, he or she is designated as an associated judge of the ordinary or administrative court of appeal, and the traineeship ends.

Associate judges who wish to be appointed as regular judges normally work outside the judiciary for a number of years after completing their training, in order to acquire varied experience and to improve their ability to compete for a post as a regular judge.

##### **102) Are judges initially/at the beginning of their carrier recruited and nominated by:**

- An authority composed of judges only?
- An authority composed of non-judges only?
- An authority composed of judges and non-judges?

##### **103) Is the same authority competent for the promotion of judges?**

- Yes  
 No

If no, please specify which authority is competent for the promotion of judges:

**104) Which procedures and criteria are used for promoting judges? Please specify.**

Judges can normally only be promoted by applying for a position as a promoted judge, e.g. president of a district court, when such a position is vacant. Thus, the promotion is decided by the Government upon application. The commission mentioned under question 101 gives a recommendation to the Government on who to promote.

However, the judges of the Supreme Court and the Supreme Administrative Court as well as the presidents of the Courts of appeal are appointed by the government without any application from the appointed.

**105) How are prosecutors recruited?**

- Through a competitive exam? (for example after a law degree)  
 A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?  
 A combination of both  
 Other

Other, please specify:

To become a prosecutor you must have a Swedish Bachelor of Laws degree and have undergone a Swedish court clerk merit rating.

**106) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:**

- An authority composed of prosecutors only?  
 An authority composed of non-prosecutors only?  
 An authority composed of prosecutors and non-prosecutors?

**107) Is the same authority formally responsible for the promotion of prosecutors?**

- Yes  
 No

If no, please specify which authority is competent for promoting prosecutors:

Specialist prosecutors and head prosecutors are appointed by the authority after a consultative proceeding in a special board.

**108) Which procedures and criteria are used for promoting prosecutors? Please specify:**

Promotions are decided on after an individual reasoning about the qualifications and personal skills of the prosecutors applying for promotion.

**109) Is the mandate given for an undetermined period for judges?**

Yes No

Are there exceptions? Please specify:

**110) Is there a probation period for judges? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for judges		

**111) Is the mandate given for an undetermined period for prosecutors?** Yes No

Are there exceptions? Please specify:

**112) Is there a probation period for prosecutors? If yes, how long is this period?**

	Yes	Duration of the probation period (in years)
Probation period for prosecutors	Yes	2yrs9months

**113) If the mandate for judges/prosecutors is not for an undetermined period, what is the length of the mandate? Is it renewable?****Please specify the length**for judges?  Yesfor prosecutors?  Yes**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

**5. 1. 2. Training****114) Nature of the training of judges. Is it compulsory?** Initial training General in-service training In-service training for specialised judicial functions (e.g. judge for economic or administrative issues) In-service training for management functions of the court (e.g. court president) In-service training for the use of computer facilities in the court)



**115) Frequency of the training of judges**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	No	Yes	No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	No	No	Yes
In-service training for management functions of the court (e.g. court president)	No	Yes	No
In-service training for the use of computer facilities in the court	No	No	Yes

**116) Nature of the training of prosecutors. Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service)

**117) Frequency of the training of prosecutors**

	Annual	Regular	Occasional
Initial training	No	Yes	No
General in-service training	Yes	No	No
Specialised in-service training (specialised public prosecutor)	No	Yes	No
In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)	No	Yes	No
In-service training for the use of computer facilities in the public prosecution service)	No	No	Yes

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- comments regarding the attention given in the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that has been implemented over the last two years

Question 117: Initial training, specialised in-service training and in-service training for the use of computer facilities are compulsory.

## 5. 2. Practice of the profession

### 5. 2. 1. Salaries

**118) Salaries of judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 118:**

	Gross annual salary (€)	Net annual salary (€)
First instance professional judge at the beginning of his/her career	56104	36058
Judge of the Supreme Court or the Highest Appellate Court	96634	55713
Public prosecutor at the beginning of his/her career	64500	29500
Public prosecutor of the Supreme Court or the Highest Appellate Instance	143500	50000

Comment :

**119) Do judges and public prosecutors have additional benefits?**

	Judges	Public prosecutors
Reduced taxation	No	No
Special pension	No	No
Housing	No	No
Other financial benefit	No	No

**120) If other financial benefit, please specify:**

**121) Can judges combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	Yes	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**122) If other function, please specify:**

**123) Can prosecutors combine their work with any of the following other functions ?**

	Yes with remuneration	Yes without remuneration	No
Teaching	Yes	No	No
Research and publication	Yes	No	No
Arbitrator	No	No	No
Consultant	No	No	No
Cultural function	Yes	No	No
Other function	No	No	No

**124) If other function, please specify:****125) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?** Yes No

If yes, please specify:

**Please indicate the source for answering the question 118**

The Swedish Prosecution Authority  
The National Courts Administration

**5. 2. 2. Disciplinary procedures****126) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

The Swedish Prosecution Authority (the Prosecutor-General), the presidents of the courts, the Ombudsmen of Justice and the Chancellor of Justice.

**127) Which authority has the disciplinary power on judges and prosecutors? Please specify:**

The National Disciplinary Offence Board.

**128) Number of disciplinary proceedings initiated against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.****Please provide comments to explain the answers to question 128:**

Total number (1+2+3+4)	2	1
1. Breach of professional ethics	0	0
2. Professional inadequacy	1	0

3. Criminal offence	1	1
4. Other	0	0

Comment :

**129) Number of sanctions pronounced against judges and prosecutors: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 129**

	Judges	Prosecutors
Total number (total 1 to 9)	0	1
1. Reprimand	0	0
2. Suspension	0	0
3. Withdrawal of cases	0	0
4. Fine	0	1
5. Temporary reduction of salary	NAP	0
6. Degradation of post	NAP	0
7. Transfer to another geographical (court) location	NAP	0
8. Dismissal	0	0
9. Other	0	0

Comment :

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

## 6. Lawyers

### 6. 1. Statute of the profession

#### 6. 1. 1. Profession

**130) Total number of lawyers practising in your country. If there is no data available, please indicate it (NA).**

4540 lawyers (as per 31.12.2008). The figure stated includes only members of the Swedish Bar Association, those lawyers who may use the title "advokat". There are no formal requirements or licensing for practising law in Sweden or for appearing before courts. Neither does the figure include assistant lawyers or trainees employed in Bar members' law firms.

**131) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court? If no go to question 133.**

- Yes  
 No  
 Not applicable

**132) Number of legal advisors. If there is no data available, please indicate it (NA)**

NA

**133) Do lawyers have a monopoly of representation in (multiple options are possible):**

- Civil cases\*?  
 Criminal cases - Defendant\*?  
 Criminal cases - Victim\*?  
 Administrative cases\*?

\* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases:

There is no monopoly of representation. Members of family, trade unions, NGO:s and others are examples of organisations or persons who may represent a client before a court in civil cases, criminal cases (both defendant and victim) and administrative cases.

**134) Is the lawyer profession organised through?**

- a national bar?  
 a regional bar?  
 a local bar?

Please specify:

There is only one, nation-wide bar association in Sweden. The Bar Association and its members are divided into seven geographical sections, but members are admitted directly by the national board of the bar association.

**Please indicate the source for answering the questions 130 and 132:**

The Swedish Bar Association.

### 6. 1. 2. Training

**135) Is there a specific initial training and/or examination to enter the profession of lawyer?**

Yes

No

**136) Is there a mandatory general system for lawyers requiring continuing professional training?**

Yes

No

**137) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?**

Yes

No

If yes, please specify:

### 6. 1. 3. Fees

**138) Can users establish easily what the lawyers' fees will be?**

Yes

No

Please provide comments to explain the answer under question 138

**139) Are lawyers fees**

regulated by law?

regulated by Bar association?

freely negotiated?

Please provide comments to explain the answer under question 139:

When legal aid has been granted, the normal hourly fee is fixed (as decided annually by the government or the authority designated by the government). Court appointed public defence counsels, counsels for the aggrieved party and legal aid counsels are not allowed to demand or receive further remuneration from the clients than the fee decided by the court in accordance with the relevant legislation. The hourly compensation may deviate from the hourly costs norm if it is warranted by reason of the skill and care exhibited by counsel or other significant circumstances.

## 6. 2. Evaluation

### 6. 2. 1. Complaints and sanctions

#### 140) Have quality standards been formulated for lawyers?

- Yes  
 No

#### 141) If yes, who is responsible for formulating these quality standards:

- the bar association?  
 the legislature?  
 other?

Please specify (including a description of the quality criteria used):

The board of the Swedish Bar Association lays down the Code of Conduct of the association. The Code of Conduct should be adhered to by members according to law (the Swedish code of judicial procedure).

#### 142) Is it possible to complain about

- the performance of lawyers?  
 the amount of fees?

Please specify:

A person or body who is not satisfied with the performance or conduct of a member of the Swedish Bar Association may file a complaint with the association. The Disciplinary Committee of the Swedish Bar Association receives that complaint. Eight members of the Disciplinary Committee are appointed by the Bar Association's general assembly, three members are appointed by the Swedish Government.

A person who is not satisfied with the fee charged by a member of the Swedish Bar Association may contact the lawyer and discuss the matter. If an agreement on the fee can not be reached, the matter may be settled by legal action in a court of law.

#### 143) Which authority is responsible for disciplinary procedures

- the judge?  
 the Ministry of justice?  
 a professional authority or other?

Please specify:

The disciplinary procedure is conducted by the Disciplinary Committee of the Swedish Bar Association. The board of the Bar Association may instigate a disciplinary matter against a lawyer, referring it to the Disciplinary Committee. If a complaint against a lawyer is made by a person or body not concerned by the matter in question, the board decides whether to refer the matter to the Disciplinary Committee or to close the matter. A disbarred member may appeal to the Supreme Court. The Chancellor of Justice may appeal against a Disciplinary Committee decision to the Supreme Court. The Chancellor of Justice may also request that the committee should implement disciplinary measures against a negligent member.

**144) Disciplinary proceedings initiated against lawyers: please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 141:**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	95	118	NA	NAP

Comment :

**145) Sanctions pronounced against lawyers : please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

**Please provide comments to explain the answers to question 145:**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	60-70	1	NAP	NAP	

Comment :

The sanctions that the Swedish Bar Association, or more specifically it's Disciplinary Committee, can decide to take against a lawyer if he or she has failed to comply with the rules of professional conduct are the following: reprimand, warning (which may be combined with a fine) and disbarment. The Disciplinary Committee may also confine itself to issuing a statement. Fine is not used as a separate sanction.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years**



## 7. Alternative Dispute Resolution

### 7. 1. Mediation and other forms of ADR

#### 7. 1. 1. Mediation

**146) Does the legal system provide for mediation procedures? If no go to question 151**

- Yes  
 No

**147) If applicable, please specify, by type of cases, the organisation of mediation**

	Possibility for private mediation proposed by the judge or court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Prosecutor
Civil and commercial cases	Yes	Yes	No	Yes	No
Family law cases (ex. Divorce)	Yes	Yes	No	Yes	No
Administrative cases	No	No	No	No	No
Employment dismissals	Yes	Yes	No	Yes	No
Criminal cases	No	No	Yes	No	No

**148) Is there a possibility to receive legal aid for mediation procedures?**

- Yes  
 No

If yes, please specify:

If a party is entitled to legal aid, the remuneration to the mediator is covered by the legal aid.

**149) Number of accredited mediators. If there is no data available, please indicate it (NA)**

NAP

**150) Please Indicate the total number of judicial mediation procedures per case category. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

civil cases?	NA
family cases?	NA
administrative cases?	NA
employment dismissals?	NA
criminal cases?	NA

**Please indicate the source for answering the question 150:**

#### 7. 1. 2. Other forms of alternative dispute resolution

**151) Can you give information concerning other forms of alternative dispute resolution (e.g. arbitration, conciliation)? Please specify:**

Other kinds of ADR

Extrajudicial dispute resolution methods

Some extrajudicial procedures are statutory, whilst others are founded on agreements between two or more private-law bodies/persons.

Statutory procedures

Perhaps the most important statutory procedure takes place at the National Board for Consumer Complaints. The National Board only examines disputes between businesses and consumers at the request of the consumer. The procedure, which also covers cross-border disputes, is written and free of charge to the parties. Decisions by the National Board for Consumer Complaints take the form of recommendations to the parties on the way in which their dispute should be resolved.

Non-statutory procedures

In several sectors, private initiatives have set up special boards. This is very common in the insurance sector, for example. The fields of activity of the various boards may vary somewhat, but in general it can be said that their function is often to work towards a flexible and impartial resolution of disputes between, for instance, an insurance company and a policyholder. Several boards in the insurance sector also have the task of working towards the uniform resolution of insurance cases, which reduces the number of disputes that arise. The boards have been formed primarily under agreements between different companies, but are fully independent of their instigators. The boards concentrate mainly on disputes between businesses and consumers. Larger insurance companies often also have their own customer ombudsmen, who policyholders may contact if they are not satisfied with the company's decision on the settlement of a claim. The customer ombudsman is appointed by the company, but performs his duties independently of it. Examples of boards of this kind are the Accident and Sickness Insurance Board, the Life Assurance Terms Board and the Liability Insurance Personal Injury Board. The procedure is written, except in a few exceptional cases. In the written procedure there is nothing to prevent a party from consulting a representative or an assistant. No particular requirements apply to the representative or assistant.

The private dispute resolution procedures are mostly free of charge, even though a small application or registration fee is levied in a few exceptional cases. The procedures are paid for by the businesses/companies that are party to them. In most cases, operating costs are shared between the companies involved in proportion to the degree to which they utilise the board's services. There is a possibility of obtaining reimbursement for representation costs, for example, from the insurance policy in question.

Disputes are resolved primarily through decisions that are of an advisory, non-binding nature (recommendations). In some cases, however, a business may give a prior undertaking to its trade organisation to comply with the recommendations.

Unlike court judgments or orders, decisions cannot be enforced compulsorily.

Since extrajudicial dispute resolution in Sweden is an alternative to normal judicial examination, appeals against the decisions cannot be made to courts. Nevertheless, a decision by an extrajudicial dispute resolution body is not a procedural obstacle and it is therefore possible to bring an action before an ordinary court on the same matter both during and after an alternative dispute resolution procedure. If the action is brought after an extrajudicial dispute resolution body has delivered a decision on the matter, it is common for the pronouncement by the dispute resolution body to be introduced into the proceedings in some way.

Arbitration

Sweden has not adopted the UNCITRAL model law on arbitration. However, the Swedish legislator has considered the model law when drawing up the Swedish Arbitration Act.

In Sweden, it is very common that disputes within commerce and industry are settled by

arbitration tribunals. It is also not unusual that parties in commercial relationships which have no link with Sweden at all opt to have their dispute settled by a Swedish arbitration tribunal. The main rule is that the parties can reach an arbitration agreement concerning matters in respect of which they may reach a settlement.

Rules about arbitration proceedings are to be found in the Swedish Arbitration Act. In the first place it is up to the parties to decide the number of arbitrators and the manner in which they shall be appointed. The same applies to the place of arbitration. In case the parties have not agreed on those issues the rules in the Arbitration Act applies. The arbitrators shall handle the dispute in an impartial, practical and speedy manner. They shall act in accordance with the decisions of the parties insofar as there is no impediment to so doing. The arbitrators shall afford the parties, to the extent necessary, an opportunity to present their respective case in writing or orally. Where a party so requests, and provided that the parties have not otherwise agreed, an oral hearing shall be held prior to the determination of an issue referred to the arbitrators for resolution. Where one of the parties, without valid cause, fails to appear at a hearing or otherwise fails to comply with an order of the arbitrators, such failure shall not prevent a continuation of the proceedings and a resolution of the dispute on the basis of the existing materials. The proceedings are not public. The issues which have been referred to the arbitrators shall be decided in an written award. Appeal is not possible, but the award can be wholly or partially set aside upon motion of a party under certain conditions. The parties are jointly and severally liable to pay reasonable compensation to the arbitrators for work and expenses. However, the arbitrators may, upon request by a party and unless otherwise agreed by the parties, order the opposing party to pay compensation for the party's costs and determine the manner in which the compensation to the arbitrators shall be finally allocated between the parties. The Swedish Arbitration Act applies to arbitral proceedings which take place in Sweden notwithstanding that the dispute has an international connection.

Certain arbitration institutes, such as the Arbitration Institute of the Stockholm Chamber of Commerce, may have adopted rules that supplement the Arbitration Act.

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years**

Mediation in Sweden

Various organisations as well as municipalities offer mediation of different kinds, for example school mediation and mediation between neighbours. There are also general mediation providers. Some of them have their own mediation rules. Most known is probably the Stockholm Chamber of Commerce Mediation Institute. There is also a mediation institute at the Chamber of Commerce in Gothenburg.

Such mediation takes place on a voluntary basis. It does not have any effect on limitation and prescription periods and the settlement agreement resulting from such mediation is not enforceable.

Mediation that takes place outside courts are only regulated to some extent.

The examples of mediation regulated by law are to be found in the following fields: labour law, family law, rental law, copyright law, energy law, funeral law and criminal law.

Mediation aiming at creating a contractual relationship

In some fields, such as labour law, copyright law and energy law, mediation aim at creating a contractual relationship between the parties. To give an example, the National Mediation Office provides mediators for disputes between employers and employees when a company refuses to sign a collective agreement with a professional organisation.

Family disputes

For parents who find themselves in dispute with one another, there are two alternatives to judicial proceedings: cooperation discussions and family counselling. Family counselling is also an

option for couples without children.

#### Cooperation discussions

Cooperation discussions are discussions chaired by experts, the aim of which is for the parents to reach agreement on the custody of their children, the children's residence and access to the children. The goal of the discussions is therefore compromise solutions. All municipalities in Sweden offer cooperation discussions. The discussions are free of charge.

If the parents concur, they can make an agreement on custody, residence and access. The agreement applies if it is in written form and approved by the Social Welfare Board. The fact that the agreement applies means that it has the same effect as a court judgment. This implies, among other things, that the agreement is enforceable.

#### Family counselling

Family counselling consists of discussions with a view to dealing with cohabitation conflicts in couples and families. The discussions can take place before, during or after a separation. Contact with family counselling is voluntary and is made on the couple's own initiative. All municipalities are required by law to offer family counselling either through the municipality itself or through other suitable professional counsellors. Family counsellors are qualified social workers with advanced training in relational matters. The municipality is entitled to levy a charge for family counselling.

Family counselling is also provided by bodies like church associations.

#### Court- annexed ADR in family disputes

In a court case, the court can decide that the parties should participate in cooperation discussions. In addition, the court can commission a mediator to try to get the parents to reach an amicable solution of their dispute. In case the parents reach an agreement, it is enforceable upon decision by the court.

#### Activities at regional rental and tenancy tribunals

In tenancy disputes, disputes involving tenant-owners and rental disputes, mediation can take place at regional rental or tenancy tribunals.

The regional rental tribunal can mediate in all rental disputes and disputes involving tenant-owners that occur. Mediation is obligatory in certain cases, such as disputes concerning the rental of premises.

Further, ordinary courts can refer cases that they hear for mediation in regional rental or tenancy tribunals. If mediation is unsuccessful, the court decides the case.

The regional rental and tenancy tribunal does not levy any charge on the parties. The procedure before the tribunal is public.

#### Victim-offender mediation

Victim-offender mediation is organised by the state or by municipalities and available when the offender is a minor. The offence must first have been reported to the police, and the offender must have acknowledged his or her guilt before mediation can be initiated. Participation in mediation is always voluntary for both parties. Mediation does not constitute a penal sanction or an alternative to the regular justice system, but rather plays a complementary role. It is however possible for the prosecutor to take the fact that mediation has taken place into consideration in relation to the prosecution of young offenders.

#### Conciliation and mediation in judicial proceedings

Conciliation and mediation in pending judicial proceedings are governed in the Swedish Code of Judicial Procedure. Conciliation in particular is a very common element of civil-law proceedings in ordinary courts.

When the court has issued a summons in a civil case, oral or written preparatory proceedings must take place. One of the aims of the preparatory proceedings is to clarify whether there are prospects for conciliation. The presiding judge in the case chairs the conciliation talks. The conciliation procedure is not required to take any specific form, nor is it mandatory. The parties

can therefore declare that they are not interested in holding conciliation talks without suffering any repercussions. About 60 per cent of the civil cases end in an agreement.

If, having regard to the nature of the case, it is more appropriate for special mediation to take place, the court can appoint a special mediator to chair the conciliation talks. The parties are usually consulted before the court orders mediation. The costs for the specially appointed mediator are borne by the parties.

Special mediation is seldom used in Swedish courts. An Inquiry has had the task to analyse why this is the case and consider if the law should be changed.

The Inquiry proposes that mediation, in principle, shall be the first option to be considered with regard to the issue of conciliatory procedure. In all actions where a settlement is possible, the court shall consider whether mediation should be offered to the parties. Such an offer should come at an early stage in case proceedings, generally immediately after the defence plea has been made. It shall, however, be entirely voluntary for the parties to go through mediation. In instances where mediation does not come about, the court shall, as previously, work for settlement within the frame of administration of the case.

The consultant bodies were positive as regards extended use of mediation. However, they pointed out that it could be an unnecessary round always having to try mediation. In many cases conciliation talks is sufficient. In addition they questioned that mediation always should be initiated at an early stage of the proceedings.

#### The Mediation directive

In May 2008 the EP and the Council adopted a directive on certain aspects of mediation in civil and commercial matters. The objective of the directive is to facilitate access to alternative dispute resolution and to promote the amicable settlement of disputes by encouraging the use of mediation and by ensuring a balanced relationship between mediation and judicial proceedings. The directive is applicable in cross-border disputes in civil and commercial matters. The directive contains definitions of mediation and mediator. It also contains rules on enforceability of agreements resulting from mediation, confidentiality of mediation and the effect of mediation on limitation and prescription periods. It also contains provisions aiming at ensuring the quality of mediation and provisions about information about mediation. The MS shall have implemented the directive before 21 May 2011.

#### Future work in the field of mediation

The government has decided to work further on the Inquiry's proposal on court mediation in some way or another. It also has to implement the EU mediation directive. Due to the directive Sweden has to come up with new legislation on enforceability of agreements resulting from mediation, on confidentiality and on the effect of mediation on prescription periods and limitation periods. These issues are under consideration within the Ministry of Justice.

#### Quality assurance and training

Since mediation in Sweden primarily is not regulated by law there exists no general quality assurance of mediators. Neither is there any general training of mediation providers. Instead such training takes place within the frame of each mediation provider.

The EU directive on mediation prescribes that the Member States shall encourage the development of, and adherence to, voluntary codes of conduct by mediators and organisations providing mediation services, as well as other effective quality control mechanisms concerning the provision of mediation services. It also prescribes that the Member States shall encourage the initial and further training of mediators. It remains to see if this will lead to any changes in the Swedish law.

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Regarding main reforms it should be mentioned that an inquiry has been looking into the possibility to increase the use of court-annexed mediation in Sweden. The inquiry delivered its report in 2007. In the report it is suggested that mediation replaces conciliation as the main method for reaching settlements within court proceedings. How to proceed with the proposals in

the report is still under consideration within the Governmnet offices together with the issue how to transpose the EU mediation directive.

## 8. Enforcement of court decisions

### 8. 1. Execution of decisions in civil matters

#### 8. 1. 1. Functioning

**152) Do you have in your system enforcement agents (judicial officers)? If no go to question 154**

- Yes  
 No

**153) Number of enforcement agents. If there is no data available, please indicate it (NA).**

170

**154) Are enforcement agents (multiple options are possible):**

- judges?  
 bailiff practising as private profession ruled by public authorities?  
 bailiff working in a public institution?  
 other enforcement agents?

Please specify their status and powers:

As from 1 January 2008, the Enforcement Authority was detached from the Swedish Tax Agency and is today a fully independent authority, with the exception that the two are to share a common IT platform and IT development, maintenance etc. resources and other forms of administrative support. This co-operation is based on provisions in a Government regulation.

In the organisation there are both bailiffs and other categories of enforcement agents. Most of the field work is carried out by enforcement agents, but the legal quality is ensured by bailiffs. There are approximately 150 bailiffs in the organisation, including heads of departments and units, and legal advisers at the headquarters. Just as the enforcement agents, they are civil servants, employed by the Enforcement Authority. To become a bailiff, you need a law degree, (normally) two years of court practice and internal training.

The enforcement agents are not judges or bailiffs. Before starting independent operative work as an enforcement agent they have to go through both practical (on-the-job) training and theoretical training organised by the authority. They must be approved before they can enter the profession of enforcement agent.

**155) Is there a specific initial training or examination to enter the profession of enforcement agent?**

- Yes  
 No  
 Not applicable

**156) Is the profession of enforcement agent organised by?**

- a national body?
- a regional body?
- a local body?
- not applicable

**157) Can users establish easily what the fees of the enforcement agents will be?**

- Yes
- No
- Not applicable

**158) Are enforcement fees:**

- regulated by law?
- freely negotiated?
- not applicable

**Please indicate the source for answering the question 153:**

The Enforcement Authority. Bailiffs in a strict sense (full law degree and court practice) approximately 170, if other categories of enforcement staff are included approximately 800.

**8. 1. 2. Supervision**

**159) Is there a body entrusted with the supervision and the control of the enforcement agents?**

- Yes
- No
- Not applicable

**160) Which authority is responsible for the supervision and the control of enforcement agents:**

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?

Please specify:



There are several authorities entrusted with the supervision and control of enforcement agents. First of all the Parliamentary Commissioner (Ombudsman) for the Judiciary and Civil Administration should be mentioned. Furthermore, the Attorney-General can prosecute the agents for e.g. breach of duty. Requests for damages based on mistakes committed by civil servants are dealt with by the Chancellor of Justice.

Also, within the Enforcement Authority, there is a board composed of representatives of the employer as well as the employees' organisations (trade unions), which can decide about disciplinary proceedings (dismissal, reprimand, suspension or deduction from salary). Furthermore, there is an internal follow-up system to find mistakes in the hearing of a case.

**161) Have quality standards been formulated for enforcement agents?**

- Yes  
 No  
 Not applicable

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

However, please see the answer to question 154. The curricula is laid down in detail by the headquarters of the Enforcement Authority.

**162) Is there a specific mechanism for executing court decisions rendered against public authorities, including the follow up to this execution?**

- Yes  
 No

if yes, please specify

**163) Is there a system for monitoring the execution?**

- Yes  
 No

If yes, please specify

There is a computer aided follow-up system, PULS, for reporting every four months such things as numbers of various types of files opened and closed, backlogs, number of debtors, assessment of productivity, swiftness, quality and uniform handling as well as financial data and the status of development projects.

**8. 1. 3. Complaints and sanctions**

**164) What are the main complaints of users concerning the enforcement procedure? Please indicate a maximum of 3.**

- no execution at all?  
 non execution of court decisions against public authorities?  
 lack of information?

- excessive length?
- unlawful practices?
- insufficient supervision?
- excessive cost?
- other?

Please specify:

The main complaints from debtors are

- lack of contact with the enforcement agent
- the treatment, and
- a feeling that the debtors are unjustly treated (especially young debtors, 18-24 years old, are more negative than other people)

The main complaints from creditors are

- lack of rapidity
- accessibility and
- lack of communication

Source: Debtors', creditors' and the general public's attitude towards the Enforcement Authority - a report from the National Tax Board (2003:3). - No similar enquiry has been made since then.

**165) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

- Yes
- No

If yes, please specify:

**166) Is there a system measuring the timeframes of the enforcement of decisions :**

- for civil cases?
- for administrative cases?

**167) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court sits:**

- between 1 and 5 days
- between 6 and 10 days
- between 11 and 30 days
- more

If more, please specify

**168) Number of disciplinary proceedings initiated against enforcement agents. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of disciplinary proceedings for breach of professional ethics	<input checked="" type="checkbox"/> number:	3
for professional inadequacy	<input type="checkbox"/> number:	
for criminal offence	<input type="checkbox"/> yes, number:	
Other	<input checked="" type="checkbox"/> number:	3

**169) Number of sanctions pronounced against enforcement agents. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

Total number of sanctions	<input checked="" type="checkbox"/> number:	2
Reprimand	<input checked="" type="checkbox"/> number:	2
Suspension	<input type="checkbox"/> number:	
Dismissal	<input type="checkbox"/> number:	
Fine	<input type="checkbox"/> number:	
Other	<input type="checkbox"/> number:	

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that has been implemented over the last two years

Question 168:

Misconduct outside work (1)

Suspensions of breach of confidentiality (1)

Unauthorised access to data (1)

**Please indicate the source for answering the questions 167, 168 and 169:**

The Enforcement Authority.

## 8. 2. Execution of decisions in criminal matters

### 8. 2. 1. Functioning

**170) Is there a judge who is in charge of the enforcement of judgments?**

- Yes
- No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor):

The Swedish Prison and Probation Service is responsible for implementing prison sentences and probation, for supervision of conditionally released persons, to implement sentences regarding community service and to carry out pre-sentenced reports in criminal cases. The Swedish Prison and Probation Service is also responsible for remand prisons.

**171) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?**

Yes

No

If yes, please specify:

The Enforcement Authority keep track of the effective recovery rate. Also, the Police produce statistics on fines decided by a criminal court and fines payed for each month, half year and calender year (for internal use).

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years**

## 9. Notaries

### 9. 1. Statute

#### 9. 1. 1. Functioning

**172) Do you have notaries in your country? If no go to question 177**

- Yes  
 No

**173) Is the status of notaries (if the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations):**

a private one (without control from public authorities)?	<input type="checkbox"/> number	
a status of private worker ruled by the public authorities?	<input type="checkbox"/> number	156
a public one?	<input type="checkbox"/> number	
other?	<input type="checkbox"/> number	

Comment :

**174) Do notaries have duties:**

- within the framework of civil procedure?  
 in the field of legal advice?  
 to authenticate legal deeds?  
 other?

Please specify:

Among other things, a notary public can be present as a witness when storage rooms are opened or closed or when seals are applied or broken, supervise lottery draws and confirm that someone is authorized to do certain things or that someone has the expertise or the official position to represent someone else.

**Please indicate the source for answering the question 173**

#### 9. 1. 2. Supervision

**175) Is there an authority entrusted with the supervision and the control of the notaries?**

- Yes  
 No

**176) Which authority is responsible for the supervision and the control of the notaries:**

- a professional body?
- the judge?
- the Ministry of justice?
- the prosecutor?
- other?
- not applicable

Please specify:

**You can indicate below:**

- any useful comments for interpreting the data mentioned in this chapter**
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years**

## 10. Court interpreters

### 10. 1. function

#### 10. 1. 1. Statute

**177) Is the title of court interpreter protected?**

- Yes  
 No

**178) Is the function of court interpreter regulated?**

- Yes  
 No

**179) Number of certified court interpreters. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations**

NAP

**180) Are there binding provisions regarding the quality of court interpreting in judicial proceedings?**

- Yes  
 No

If yes, please specify:

**181) Are the courts responsible for the selection of court interpreters?**

- Yes  
 No

Please provide comments to explain the answers to question 178 (in particular, if no, which authority selects court interpreters?) :

179: In april 2009, 766 interpreters were authorised in 38 languages (including 98 sign language interpreters) and listed in the interpreter register of the Legal, Financial and Administrative Services Agency. 176 were certified legal interpreters.

181: The National Police Board is the central administrative and supervisory authority of the police service. The Board has procured interpreter agency services on behalf of all governmental agencies, including the courts. As a consequence to this central procurement, the assignments are concentrated to a limited amount of interpreter agencies.

## 11. Functioning of justice

### 11. 1. Foreseen reforms

#### 11. 1. 1. Reforms

**182) Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? For example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc. Please specify:**

The courts

On 1 November 2008 the "More modern court proceedings" reform entered into force. The reform brought major changes into the procedural rules governing legal proceedings, particularly in district courts and courts of appeal. The purpose of the reform was to bring about a modernisation of legal proceedings, partly by making better use of modern technology. The reform also made the rules more flexible, allowing more latitude to adapt the way in which cases and other matters are processed so as to meet the requirements of the individual case. Furthermore, the parties are given more responsibility for moving the case forward towards a decision. Finally, the reform introduces special measures for proceedings in the court of appeal so as to clarify the different roles of various courts in the system.

Better use of modern technology

General rules on videoconferences have now been introduced for application in all courts. Parties, witnesses and others who are to participate in a court session will be able to participate at a distance by videoconference, unless this is inappropriate. However, the general rule remains that those who are to participate are to attend the court. A videoconference may be appropriate in several situations. For example, if a witness lives a long way from the court a videoconference may be justified in certain cases because of the expense of attending in person. If there is a threat against a person or the court premises, a videoconference may justifiably be used on security grounds, on account of the risk of an attempt to free a prisoner, for instance. Participation via videoconference may also be arranged if the person to be heard feels a palpable fear of coming to the premises where the hearing is to be held. It is up to the court to determine, on a case-by-case basis, whether it is appropriate to use a videoconference.

Previously, audio recording has been made when people were examined in court. After the reform, in general, all examinations in the district court will also be recorded on video. If the case goes to appeal, the general rule is that the video recording from the district court will be used in the court of appeal. Consequently, video recordings will be the main means of presenting oral evidence in the court of appeal. This clarifies the important principle that the main examination of a case is to be made in the district court, since to a greater extent than previously the court of appeal will base its review on the same material used by the district court in reaching its decision. As the court of appeal will not need to re-examine witnesses to the extent that it did in the past, fewer people will have to come to the court to enable a hearing to be conducted. Another advantage is that crime victims will not need to attend court more than once to give their account of the matter. This will put less of a strain on the people who are to be heard and may also reduce the costs of legal proceedings.

More flexible rules and more responsibility for the parties

The rules on sessions during the preparatory stages of a case as well as on notice to attend court and penalties for failing to attend are being made more consistent. For example, the court will be able to refuse evidence (such as an examination of a witness) if it cannot be taken despite reasonable efforts and the decision should not be delayed any longer. To make proceedings more efficient, instead of presenting all documents orally during a main hearing the parties will more generally have the option of referring to these documents.

To shorten district court processing times in civil cases, the requirement to draw up time plans is being made stricter. Further, the court is placed under a stricter obligation to draw up summaries of the parties' positions so as to prepare the case more quickly for a main hearing. These instruments set timeframes, bring about more efficient and rapid processing and prevent delays.

Furthermore, a possibility has been introduced of deciding certain criminal cases before the



district court on the basis of the documents in the case, i.e. without a main hearing. There will be no need to hold a main hearing if there is no reason to sentence a person to any sanction other than fines and a hearing is neither requested by one of the parties nor is needed with regard to the investigation of the case.

#### Enforcement

There would seem to be consensus that the 1981 Enforcement Code is in need of a general overhaul. In addition, a few areas have been addressed specifically in reports from the Enforcement Authority, i.e. the need for more standardised and less complex rules regarding attachment of salary, as well as modernization of the rules pertaining to enforced sales (wider scope for the use of modern methods of communication such as e-mail and the posting of information on websites, use of private sector channels etc.).

During the spring of 2010, the Government will propose a bill on a new, more modern Prison Act which fulfils the requirements for an efficient and at the same time humane prison service. The new law is planned to enter into force on 1 January 2011.