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European Commission for the Efficiency of Justice

Commission européenne pour l'efficacité de la justice

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

Strasbourg, 30 March 2023 CEPEJ(2023)2

EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

EXPLANATORY NOTE TO THE SCHEME FOR EVALUATING EUROPEAN JUDICIAL SYSTEMS

2024 Cycle (2022 data)

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Introduction

Background

At their 3rd Summit, organised in Warsaw on 16 and 17 May 2005, the Heads of State and government of the member States of the Council of Europe "[decided] to develop the evaluation and assistance functions of the European Commission for the Efficiency of Justice (CEPEJ)".
The CEPEJ decided, at its 39th plenary meeting, to launch the tenth evaluation cycle 2024, focused on 2022 data.

The methodology developed in the previous CEPEJ cycles will be used to get, with the support of the national correspondents, a general evaluation of the judicial systems in the 46 member States of the Council of Europe as well as the three States observers wishing to participate to the evaluation exercise, Israel, Morocco and Kazakhstan. The objective of this evaluation is to enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present Scheme was adapted by the CEPEJ Working group on evaluation (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents.

The CEPEJ adopted this new version of the Scheme at its 39th plenary meeting (6-7 December 2022) “subject to any amendments sent by the CEPEJ members by mid-January and additional amendments that may be proposed by the CEPEJ-GT-EVAL during its meeting in February 2023”. The final document on which this explanatory note is based has reference CEPEJ(2022)9rev1.

The aim of this study is to compare the functioning of comparable judicial systems in their various aspects, to have a better knowledge of the trends of the judicial organisation in the different systems to improve the efficiency of justice. The evaluation Scheme and the analysis of the results should become a genuine tool in favour of public policies on justice, for the welfare of the European citizens. All data collected by the CEPEJ are integrated in the interactive database CEPEJ-STAT (accessible on the CEPEJ website: https://www.coe.int/en/web/cepej/dynamic-database-of-european-judicial-systems.

Most probably, all states will not be able to answer every question because of the diversity of the judicial systems in the member States as well as unavailability of certain data. Therefore, the objective of the Scheme is also to stimulate the collection of data by the states in those fields where such data are still not available.

It must be noted that the Scheme neither aims at including an exhaustive list of indicators nor aims at being an academic or scientific study. It contains indicators which have been considered relevant for states who wish to assess the judicial systems’ situation and better understand the functioning of their own systems. At the same time, the data collected will enable to contribute to the on-going work regarding the improvement of the quality and efficiency of justice.

In order to make the data collection and data processing easier, the Scheme has been presented in an electronic form, accessible to national correspondents entrusted with the coordination of the data collection in the member States in a specialised data collection tool, CEPEJ-COLLECT.

Comments concerning the questions in the Evaluation Scheme

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

Should you have any question regarding the Scheme and the way to answer it, please send an e-mail to Christel SCHURRER (christel.schurrer@coe.int), Lidija NAUMOVSKA (lidija.naumovska@coe.int), Milan Nikolic (milan.nikolic@coe.int) or Guergana Lazarova-Déchaux (geurgana.lazarova-dechaux@coe.int).

General remarks

NA and NAP answers:

When answering questions, it may not always be possible to give a number or to choose between different modalities of answers (Yes or No). In these cases, you can use NA or NAP respectively.

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

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

The answers NA or NAP are very different from each other, please observe these rules, any mistake will lead to wrong interpretations. The consistency rules (vertical and horizontal) do not apply in the same way in the presence of one or more NA or NAP replies.

Consistency (horizontal and vertical): in a table having different subcategories and a total, the latter must equal the sum of the different sub-categories (see for example, questions 6 and 46).

Subcategories:
If the answers of one or more sub-categories are **NA** (not available), the total cannot be equal to the sum of the other sub-categories for which the answers are quantitative data.
- if only one category is NA, the total must necessarily be NA;
- if several subcategories are NA, the total can be either NA or a quantitative data (which will necessarily be greater than the sum of the available sub-categories);
- on the other hand, if one or more subcategories are **NAP** (not applicable), they do not have an impact on the total which can be equal to the sum of the sub-categories since this/these NAP replies indicate that this/these sub-categories do not exist in the legal system.

Examples:

Example no. 1 - one subcategory is NA:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	NA
1. Annual public budget allocated to (gross) salaries	1000
2. Annual public budget allocated to computerisation	NA
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	1000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	5000
6. Annual public budget allocated to training	2000
7. Other (please specify)	1000

This example shows that if one sub-category is replied NA (in this specific situation 2. “Annual public budget allocated to computerisation”), the “Total” should also be NA.

Example no. 2 - several subcategories are NA:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	10000
1. Annual public budget allocated to (gross) salaries	1000
2. Annual public budget allocated to computerisation	NA

3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.)	NA
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	NA
6. Annual public budget allocated to training	1000
7. Other (please specify)	1000

This example shows that if more than one sub-category is NA, the "Total" can be either NA, or a number (10 000 as in the example) greater than the sum of the other sub-categories (5 000 in this case) if all three categories are known but cannot be reported separately.

Example no. 3 - one (or several) subcategory(ies) is/are NAP:

	Approved budget (in €)
TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	8000
1. Annual public budget allocated to (gross) salaries	1000
2. Annual public budget allocated to computerisation	1000
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc.),	1000
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2000
5. Annual public budget allocated to investments in new (court) buildings	NAP
6. Annual public budget allocated to training	2000
7. Other (please specify)	1000

This example shows that the reply NAP does not have influence on the “Total” since that sub-category does not exist in the legal system and consequently it is treated as 0 (8000 = sum of the existing sub-categories).

Comments*:* the CEPEJ gives the possibility to insert a comment for every question. We differentiate two types of comments: General comments (in a specific tab of CEPEJ-COLLECT) and specific comments under each question. **Those two types of comments are published in the database CEPEJ-STAT to accompany the data.**

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

The ***specific comments under each question*** are different from the ***general comments*** which ***apply to all evaluation cycles*** and are in a separate tab. Such comments refer to specificities of the national judicial system relevant to all evaluation cycles and will be helpful when analysing the replies and processing data. It is not required to fill in this area systematically but only when specifics in the system exist and the interpretation of data should be aware of it. These comments should be as precise and as concise as possible.

When an answer and/or a comment to a specific question remains unchanged from one evaluation cycle to the other, it is possible for national correspondents to "copy and paste" from the previous evaluation round. For the General comment this is done automatically and the user should intervene only in case a change is needed. In the event of an unchanged answer/comment from one cycle to the next, a simple reference to the answers of the previous cycle is not possible.

Gross figures and full-time equivalent of posts: the posts in gross figures concern the total number of persons working, independently of their working hours. The posts in full-time equivalent, on the other hand, are aimed at quantifying the posts taking the full time as a reference. The indication of the full-time equivalent implies that the

number of part time working persons has to be converted: for instance, one half-time worker should count for 0.5 of a full-time equivalent, two persons working half the standard number of hours count for one "full-time equivalent".

Check and variations from previous evaluation rounds: please always check the data inserted. Check the figures inserted (for instance the number of zeros!).

Please also compare the data indicated for the year of reference with the ones provided for the previous evaluation rounds and explain significant variations from one cycle to another. This is possible to see within the CEPEJ-COLLECT system in a separate tab “Previous data”. For numerical data, the system will automatically warn you in case of a significant variation and data can only be saved with these variations if a comment is inserted in a specific box that will appear under the concerned data. Indeed, these variations may be explained by specific situations which had a significant impact on data from the reference year (for example, an increase in the number of incoming administrative law cases due to the migration crisis), or by a structural reform, a legislative change, a different methodology or a change in the interpretation of the question by the national correspondent. Please note that this change should be well explained and not only mentioned. For example, if there is a new methodology introduced, the differences with the previous one should be elaborated.

Euros: all financial amounts have to be given in Euros except some amounts in question 132, where values in local currency are also required. This is essential to avoid any misinterpretations or problems of comparability. For countries outside the Euro zone, the exchange rate on 1st January of the reference year +1 has to be indicated in question 5.

Rules and exceptions: Please give answers, if possible, according to the general situation in your country and not according to exceptions. You may indicate exceptions to the rules in the comment area below the question.

Sources: Please indicate the sources of your data, where requested. The “source" concerns the institution which has provided the information to answer the question (e.g., the National Institute of the Statistics or the Ministry of Justice). This will help check the reliability of the data.

Year of reference: the year of reference for this Scheme is **2022**.

Note: the order of questions in some parts of the questionnaire had been changed, however the questions kept their original numbering to preserve the consistency with previous answers. Therefore, the numbering in some of the sections is not consecutive.

1. General and financial information

1.1. Demographic and economic data

1.1.1 Inhabitants and economic information

These data will enable to determine ratios allowing comparative analysis.

Question 1, 3, 4

The data provided in these questions are standardisation variables and must be as precise as possible. If your country reports these data to Eurostat, please contact your national statistical institution to provide you with data already communicated to Eurostat. In case your country is not delivering data to Eurostat, please use your official national source.

Question 1 – Number of inhabitants (if possible on 1 January of the reference year +1)

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

Question 3 – Per capita GDP (in €) in current prices for the reference year

Please indicate the annual Gross domestic product (GDP) at current prices per capita. Gross domestic product (GDP) at current prices is GDP at prices of the current reporting period (i.e., not readjusted for the effects of price inflation) also known as nominal GDP.

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

Question 4 – Average gross annual salary (in €) for the reference year

Please indicate the average *gross* annual salary and not the *net* salary in your country for all sectors of the economy (public and private). The gross salary is calculated before any social expenses and taxes have been deducted. The data provided should represent the average salary for full-time work. This data must be indicated in Euros. Please note that bonuses that are regularly paid to all employees should be included, as long as they fall under legal regime of salaries (such as 13th and 14th salary in some countries).

Question 5 – Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

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

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

Note: UK-England and Wales, UK-Northern Ireland and UK-Scotland should indicate the same exchange rate.

1.1.2. Budgetary data concerning judicial system

Question 6 – Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budget of public prosecution services and/or

the one allocated to legal aid, please go to question 7. If you are able to answer this question, please answer NA to question 7.

The annual, approved and implemented, public budget allocated to the functioning of all courts has been defined by the CEPEJ (see categories below) and may differ from the member States' definitions. **For comparability reasons, please observe the CEPEJ definition.**

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority). If the approved budget had been changed (rebalance or amendment) during the year, the latest change should be reported.

The budget (approved) should be reported, if possible, without other sources (e.g., without operations, co-financed by EU). The latter should be mentioned in the comments.

The **implemented** budget corresponds to the observed expenditures during the reference year.

Where appropriate, the annual budget allocated to the functioning of all courts must include both the budget at national level and at the level of regional or federal entities.

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some member States have a financial year that does not match the calendar year (for example from 1 April of one calendar year to 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

Note: If you cannot separate the budget of the public prosecution services and / or the budget of legal aid from the budget allocated to the functioning of all courts, please indicate "NA" and answer to question 7.

This budget includes:

Categories 1 to 7:

1. (Gross) salaries are those of all judicial and non-judicial staff working within courts, excluding, if appropriate, the public prosecution system (and the staff working for the prosecution services). This amount should include the total salary costs for the employer; if, in addition to the gross salary, the employer also pays insurances and/or pensions, these contributions should be included.

2. Computerisation includes all the expenses for equipment, investments, installation, use and maintenance of computer systems (including the expenses for outsourced technical staff).

2.1 Investments in computerisation should include the amount designated only for the equipment, investments, and installation. More precisely, this category should include only purchase of new or upgrade of the existing hardware and software, as well as development costs.

2.2 Maintenance of the IT equipment of courts should include only maintenance costs, such as updates of licences, repairment of software "bugs" etc.

3. Justice expenses refer to the amounts that the courts should pay out within the framework of judicial proceedings, such as expenses paid for expert opinions or court interpreters. Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the court budget or, court fees and taxes paid to cover justice expenses; see questions 8, 8-1, 8-2 and 9)

should be excluded. The amount to be paid for legal aid and/or coverage or exemption of court fees should also not be indicated here (see questions from 12 to 12-3).

4. Court buildings' budget includes all the costs that are related to the maintenance and operation of court buildings (costs for rental, electricity, security, cleaning, maintenance etc.). It does not include investments in new buildings.

5. Investments in new (court) buildings includes all the costs that are connected with **investments in new court** buildings (either building of new structure or purchase of existing buildings).

6. The annual public budget allocated to training includes all trainings of judges (see Q46 and Q47) and non-judicial staff (see Q52) directly covered by the courts, excluding, if appropriate, the public prosecution system (and the staff working for the prosecution services). It does not include the specific budget of a separate public training institution for judges and / or prosecutors (see Q131 and Q131-0).

7. Other includes all courts' expenses that you cannot subsume under categories listed above.

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

- the budget of the prosecution system (see question 13);
- the budget for legal aid (see questions 12 and 12-1);
- the budget for the prison and probation systems;
- the budget for the operation of the Ministry of Justice (and/or any other institution (of executive or legislative branch of power) which deals with the administration of justice);
- the budget for the operation of other institutions (other than courts) attached to the Ministry of Justice;
- the budget of the judicial protection of youth (social workers, etc.);
- the budget of the Constitutional courts;
- the budget of the High Judicial Council / State Prosecutorial Council (or other similar body of the judicial branch of power);
- the annual income of court fees or taxes received by the state (see questions 8 and 9),

Question 7 – If you cannot answer question 6 because you cannot isolate the public budget allocated to courts from the budget allocated to public prosecution services and/or the one allocated to legal aid, please fill in only the appropriate line in the table according to your system

If you have answered to question 6, please fill in with "NA" for this question.
If you answer to this question, please note that the **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority). The **implemented** budget corresponds to the observed expenditures during the reference year.

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some member States have a financial year that does not match the calendar year (for example from 1 April of one calendar year to 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

Questions 8, 8-1 and, 8-2

All these questions concern the same court fees - they refer only to the court fees required to initiate a court proceeding. The court fees do not concern lawyers' fees.

The possibility for these fees to be covered by legal aid is addressed by Q12, Q12-1, Q12-2 and Q12-3 and should not be considered here.

A court of general jurisdiction is a court which deals with any issues which are not attributed to specialised courts owing to the nature of the case. The courts of general jurisdiction are those courts which in most instances deal with civil and criminal law cases, and therefore Q8 focuses on these two types of proceedings.

Question 8 – Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction

This question concerns only fees required to initiate court proceedings, as already indicated above. If there are different rules for natural persons and legal entities, this question should be answered from the perspective of a natural person initiating a proceeding at the first instance court of general jurisdiction.

There are two moments at which fees necessary to initiate court proceedings might be required:

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

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

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

Question 8-1 – Please briefly present the methodology of calculation of these court fees
Question 8-2 – The amount of court fees requested to commence an action for 3000€ debt recovery

Regarding the method for calculating court fees required to initiate court proceedings (Q8-1), depending on the country, this can be a fixed amount, an amount depending on the nature of the proceedings and/or a percentage of the contested amount. If the answer depends on such factors, please describe all the relevant parameters (e.g., type of court, proceedings, etc.).

Question 9 – Annual income of court fees received by the State (in €)

This question refers to the total of all court fees and not only those needed to initiate court proceedings, regardless of whether paid at the beginning or later stage of the proceedings.

Question 12 – Annual approved public budget allocated to legal aid, in €
Question 12-1 – Annual implemented public budget allocated to legal aid in €

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

Two categories have to be distinguished:

Cases brought to court - legal aid allowing litigants to finance fully or partially their court fees when appearing in court (legal representation and all court fees: to initiate court proceedings and other court fees);

Cases not brought to court - to prevent litigation or to offer access to legal advice or information (access to the law through knowledge of one's rights and by asserting them, but not necessarily through court remedy), such as legal advice, ADR (alternative dispute resolution measures) and some other legal services, or to enforce a judicial decision (for expenses that are not related to enforcement proceedings in courts).

Total amount should include only the expenses to be covered for those benefiting from legal aid (or their lawyers). Administrative costs resulting from such procedures (e.g., salaries of free legal aid services staff) should be excluded.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the actual expenditures during the reference year.

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some member States have a financial year that does not match the calendar year (for example from 1 April of one calendar year to 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

Question 12-3 – Do legal aid budgets indicated in Q12 and Q12-1 include

For the purposes of this question, coverage or exemption of court fees should be considered whenever it is provided by the state regardless of whether it is in the framework of the legal aid system or another system of derogation (e.g., derogation provided for by the Court fees act).

This question refers to the total of all court fees and not only those needed to initiate court proceedings.

The question refers to two different possibilities regarding court fees:

- “Coverage of court fees” exists when the beneficiary of legal aid or other system of derogation receives the full amount of legal aid in advance and pays the court fees from that amount, or when the beneficiary pays the court fees and later is reimbursed for that cost through legal aid or other system of derogation;
- “Exemption from court fees” refers to a situation when the beneficiary of legal aid or other system of derogation is freed from the obligation to pay court fees.

To make the distinction between these two options clearer, in the first option, the beneficiary is required to pay the court fees and he/she does pay them, but the expense is at the beginning or at the end of the procedure born by the legal aid budget (or other public budget), while in the second, the beneficiary is not required to pay court fees at all.

In most systems that provide coverage of court fees, these fees are calculated since the amount of fees has to be transferred at some point from a public budget to the beneficiary. On the other hand, in systems that grant exemption from court fees, these amounts are very often not calculated nor presented in financial documents (budgets, reports etc). Nevertheless, some of those systems might still be able to calculate or estimate the monetary value of the exemptions granted. The estimation for example might be based on the number of beneficiaries multiplied by the average amount of court fees for certain types of cases.

If the value of covered/exempted fees is calculated or estimated, it should be specified whether this amount is included in the budget of legal aid provided in Q12 (approved budget) and Q12-1 (implemented budget) or not. The purpose of this information is to better compare different systems.

It is possible that both of these options exist parallelly in one system (coverage of one type of court fees and exemption from others), and then both options should be answered “Yes”.

The answer “No” should be selected when coverage and/or exemption of court fees are provided within the legal aid system, but their amount is not included in the legal aid budgets.

The answer NAP should be selected by the states/entities where legal aid does not include coverage or exemption of court fees. The answer NAP should also be selected by the states/entities that do not require court fees at all.

Question 13 – Annual (approved and implemented) public budget allocated to the public prosecution services, in €

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

If you cannot separate the budget of the public prosecution services and the budget allocated to the functioning of all courts, please indicate “NA” in Q13 and answer to Q7.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the observed expenditures during the reference year.

The annual public budget allocated to **training** of the public prosecution services includes all costs allocated to training of public prosecutors and the staff working for the prosecution services. It does not include the specific budget of a separate public training institution for judges and / or prosecutors (see Q131 and Q131-0).

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some member States have a financial year that does not match the calendar year (for example from 1 April of one calendar year to 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

1.1.3. Budgetary data concerning the whole justice system

Question 15-1 – Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the judicial system budget - see 15-2 and other elements of the justice system - see 15-3)
Question 15-2 – Elements of the judicial system budget (Q6, Q7, Q12 and Q13)
Question 15-3 – Other budgetary elements

These questions take into account the budget allocated to the whole justice system. It has to include the budget of the judicial system (Q6+Q12+Q13) and the other categories as listed in Q15-3 accordingly.

The **approved** budget is the budget that has been formally approved by the Parliament (or another competent public authority).

The **implemented** budget corresponds to the observed expenditures during the reference year.

The annual public budget allocated to the whole justice system should include, in particular the budget of the judicial system (in accordance with the CEPEJ definition, i.e., Q15-2):

- the budget for courts
- the budget for legal aid;
- the budget for the public prosecution services;

And possibly other elements (Q15-3):

- the budget for prison system
- the budget for probation services
- the budget for High Judicial Council
- the budget for High Prosecutorial Council
- the budget for the Constitutional Court
- the budget for the judicial management body
- the budget for service for legal representation of the state (i.e. the budget covering expenses related to the legal counselling, representation and defending the State's interests in legal proceedings)
- the budget for enforcement services
- the budget for notariat
- the budget for forensic services
- the budget for the judicial protection of juveniles
- the budget for the functioning of the Ministry of Justice
- the budget for refugees and asylum seekers services
- the budget for immigration service
- the budget for some police services
- other

Note: for these questions, the answers "No" and "NAP" are equivalent.

The budget for the "judicial protection of juveniles" includes the budget referring to the youth protection, mainly the budget allocated to social workers and not the budget for juvenile courts (this should be included at Q6).

The budget of "some police services" includes the budget of the judicial police, prisoners' transfer, security in courts, etc.

Concerning the category "other", please specify the budgets that are included, for example the budget of the Ombudsman.

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some member States have a financial year that does not match the calendar year (for example from 1 April of one calendar year to 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

2. Access to Justice and to all courts

2.1 Legal aid

2.1.1. Scope of legal aid

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

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

For the purposes of this Scheme, *legal aid* is defined as the aid provided by the state to persons who do not have sufficient financial means to defend themselves before a court. For more information on the characteristics of legal aid, please refer to Resolution Res(78)8 of the Committee of Ministers of the Council of Europe on Legal Aid and Advice.

Questions 16 to 19

The below questions refer to different modalities/forms of legal aid. Please indicate if a person can, within the scope of legal aid, benefit from: representation in court, legal advice, ADR and other legal services (Q16), exemption from fees that are related to the enforcement of judicial decisions (Q18) and other costs (Q19) as a part of the legal aid system.

Question 16 – Does legal aid apply to

The legal aid can consist of full or partial exemption or reimbursement of the cost, as well as other measures (e.g., delay of payment).

Representation in court includes all forms of representation before all regular and specialized courts (legal aid allowing litigants to finance fully or partially their court fees when appearing before courts).

Legal advice, ADR and other legal services: this category includes access to legal services outside the courts, access to legal advice or information, or prevention of litigation (access to the law through knowledge of one's rights and by asserting them, but not necessarily through court remedy).

Question 16-1 – Please briefly describe the organisation of the legal aid system in your country

In this question, please briefly describe the procedure, eligibility rules, as well as authorities and persons involved in granting legal aid and delivering legal advice and legal representation in courts. Furthermore, it should be specified if only persons requiring legal aid have the right to submit a request, or lawyers can also do that on their behalf.

Question 18 – Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g., fees of an enforcement agent)?

This question concerns expenses for enforcing a judicial decision, when enforcement is not a part of enforcement proceedings in courts (e.g., costs of enforcement agents). Court fees to start enforcement proceedings in courts are not included here.

Question 19 – Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?

This question refers to costs not included in any of the previous questions (Q16 - Q18), when appropriate.

2.1.2 Information on legal aid

Q20 and Q20-0

These two questions should be linked to questions 12 and 12-1 regarding the budget allocated to legal aid. The latter will be analysed in relation to the number of cases granted with legal aid on the one hand, and the number of recipients of legal aid, on the other hand.

Question 20 – Please indicate the number of cases for which legal aid has been granted

It is important to note that this question concerns only the number of cases for which legal aid has been granted and not the number of decisions to grant legal aid nor the number of recipients of legal aid. The number of recipients of legal aid should be provided in questions 20-0 and 20-0-2.

If within one case one party is granted legal aid by several decisions (for covering different expenses for example), it should be counted as one case in question 20.

If within one case two parties receive legal aid, this should be counted as one case in question 20 and two recipients in questions 20-0 and 20-0-2.

If cases could not be counted in this way, the answers in this question should be NA.

When the decision on granting legal aid is taken in respect of a dispute at the earliest stage, as a package that covers the whole procedure, and competent authorities do not have a possibility to know what action the parties have taken on the case (was it brought to court, was it solved before going to court etc.), the reply should be NA.

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

Question 20-0 – Please indicate the number of recipients of legal aid
Question 20-0-1 – Are there statistical data disaggregated by gender in respect of recipients of legal aid?
Question 20-0-2 – If yes, please provide details on distribution by gender of recipients of legal aid

Please provide the total number of recipients of legal aid in Q20-0, as well as the number of recipients in criminal and other than criminal cases brought to courts and not brought to courts. If there are statistical data on recipients disaggregated by gender (question 20-0-1), please provide the number of male and female recipients in Q20-0-2.

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

If within one case one party is granted legal aid by several decisions (for covering different expenses for example), it should be counted as one recipient in questions 20-0 and 20-0-2.

Question 20-0-3 – Is it possible to divide the number of recipients of legal aid by different categories of cases?
If there is a possibility to disaggregate the number of recipients of legal aid per different categories of cases, please select “Yes” and specify in the comment which categories of cases are concerned. Therefore, for criminal cases you could specify the types of offences for which such statistics exist (e.g., domestic violence, child abuse, human trafficking or other). Similarly, for civil cases you can indicate the types of disputes (e.g., family cases, divorces, child custody, bankruptcy, employment dismissal or other).

Question 20-0-4 – Are there situations where legal aid is automatically granted depending on categories of cases?
Some systems automatically grant legal aid to the defendants and/or victims in some categories of cases. If this is the case in your system, please select “Yes” and specify in the comment which categories of cases are concerned.

Question 20-0-5 – How many of the recipients of legal aid are alleged victims of domestic violence?

Domestic violence should be understood in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence (hereinafter “Istanbul convention”): “Domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the

same residence with the victim. If you have available statistical data on recipients of legal aid who are alleged victims of domestic violence, please provide their number.

Question 20-1 – Please indicate the timeframes of the procedure for granting legal aid, in relation to the duration from the initial legal aid request to the final decision on the legal aid request

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

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

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

Question 21 – In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?

This question refers to the possibility, under certain conditions, to be assisted by free of charge lawyer for the accused individuals (as foreseen in the system of the European Convention on Human Rights, namely article 6 of the ECHR (fair trial)) and/or the victims.

The answer should be regardless of whether this possibility is provided within the legal aid system or separately.

Question 22 – In criminal cases are these individuals free to choose their lawyer within the framework of the legal aid system?

Regarding legal aid, according to the different systems, lawyers can be appointed *ex officio*, proposed on a list, or freely chosen by the parties.

Question 23-0 – Does your country have an income and assets evaluation for granting full or partial legal aid?
Question 23 – If yes, please specify in the table

It is possible that legal aid is limited according to the economic situation of the applicant. The threshold below which the granting of the legal aid is possible may be different for partial or full legal aid.

If the threshold is the same for full and partial legal aid, and the decision depends on other criteria, the same figures should be entered under "full legal aid" and "partial legal aid", and the situation should be explained in the comments.

Please note that the indicated figures should represent values for one person.

Please elaborate in the comment if any other eligibility criteria are taken into account for granting legal aid and provide any other clarifications that could explain the data communicated. Furthermore, in some systems the overall economic situation of an applicant is assessed (is she/he employed, does she/he own a real estate, what are her/his fixed monthly obligations, how many household members she/he supports etc.). If this assessment is conducted in your system, please provide more details of what parameters are taken into account.

Question 24 – Is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

The examples of the lack of merit of the case can be frivolous action, no chance of success, lack of public interest etc.

Question 25 – Is the decision to grant or refuse legal aid taken by

This question aims at finding out which institution takes decisions to grant or refuse legal aid.

This decision could be taken solely by a court and in that case two options have to be differentiated. If the decision is taken by a judge or more judges (panel of judges) who is/are dealing with the applicant's main case, the first option should be selected. If another judge(s) or official(s) in the same or different court (such as court employee or service specifically entrusted to deal with legal aid applications) makes the decision, the second option should be selected.

Some systems have special authorities other than the courts that deal with legal aid (such as legal aid centres). If this is the case, please select the third option.

"Several authorities (court and external bodies)" should be selected for all systems that require both courts and external bodies involvement in deciding on granting or refusing legal aid. This option should be selected also if both court and external body have a power to grant or refuse legal aid, but only one or the other decides on a specific case (shared competence).

Question 27 – Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be distributed?

Legal (judicial) costs include all costs of legal proceedings and other services related to the case paid by the parties during the proceedings (e.g., court fees, legal advice, legal representation, travel expenses). In some systems, courts in their decisions distribute the legal costs amongst the parties at the end of the proceedings. If this is the case, please specify if such solution exists for criminal cases, other than criminal cases, or both.

If the legal costs are not distributed by the judicial decision, the answer "No" should be selected and the method of determining each party's legal costs should be explained in the comment.

2.2 Court users and victims

2.2.1 Rights of the users and victims

Question 28 – Are there official internet sites/portals (e.g., Ministry of Justice, Judicial Council etc.) where general public may have free-of-charge access to the following

The aim of this question is to know of existence of official information, published online and freely available to public.

"Information about the judicial system (organisation of courts, court proceedings, etc)" should be understood in a broader sense to include all information about individual rights and how to access dispute resolution procedures, as well as links to other related government services that may be of help to users with a legal problem (e.g., social welfare internet sites related to employment or health services, police stations). Websites and online portals for e-filing and other forms of direct electronic exchanges within court proceedings should not be considered under this question.

"Other documents" could be downloadable documents or documents and forms to be filled online.

Question 29 – Is there an obligation to provide information to the parties concerning the foreseeable timeframes of their proceedings?

This question applies to all types of cases.

A mandatory provision of information to individuals on the foreseeable timeline of the case to which they are parties is a concept to be developed to improve judicial efficiency. It can be a simple information transmitted to the parties. This information may consist in an agreement on a jointly determined time-limit, to which both sides would commit themselves through various provisions. Where appropriate, please give details on the specific situations and existing specific procedures.

Question 30 – Is there a public and free-of-charge information system for providing information and facilitating access to justice

The question aims to specify if the state has established structures which are known to the public, easily accessible and free of charge, for helping citizens in general to access justice, as well as victims of criminal offences and minors as specifically vulnerable groups of court users. This may be organised in different ways (through online information, telephone, interactive chat, in-person physical access on site and other means). Please select all appropriate answers. In-person (physical access on site) should be understood as offices where persons can ask for assistance in a direct interaction and with physical presence. For example, offices for victims of domestic violence who require urgent legal assistance.

Question 31 – Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons

This question aims to learn how states protect the groups of people who are particularly vulnerable in judicial proceedings.

It does not concern the police investigation phase of the procedure nor compensation mechanisms for the victims of criminal offences, which are addressed under questions 32 to 34.

Ethnic minorities must be addressed in line with the Council of Europe's framework convention for the protection of national minorities (CETS N° 157). It does not concern foreigners involved in a judicial procedure. Special measures for these groups can be, for instance: language assistance during court proceedings or special measures to protect the right to a fair trial and to avoid discrimination.

Persons with disabilities must be addressed in line with the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106) which was adopted on 13 December 2006.

Information mechanisms might include, for instance:

- a public, free of charge and personalised information mechanism, operated by the police or the justice system, which enables the victims of criminal offences to get information on the follow-up to the complaints they have launched;
- the obligation to inform beforehand the victim of sexual violence/rape, in case of the release of the offender;
- the obligation of the judge to inform the victims of all his/her rights.

Special arrangements in court hearings might include, for instance,

- the possibility for a minor to have his/her first declaration recorded so that he/she does not have to repeat it in further steps of the proceedings;
- live audio or videoconferencing of the hearing of a vulnerable person so he/she is not obliged to appear before the accused;
- in camera hearing, excluding the public, of a victim of sexual violence/rape;

- the obligation (or the right to request) that statements of a vulnerable person (e.g., minor) are made in the presence of a probation counsellor;
- the testimony of minors under 16 cannot be received under oath.

The *other specific modalities* can consist in, for instance,

- the language assistance during a court proceeding for ethnic minorities or disabled persons;
- the obligation to hear the opinion of an association protecting the interest of a minor accused of a crime;
- the right for a woman who is a victim of family violence to enjoy the use of the common house;
- the physical protection during the time of the judicial proceedings;
- the right of an association protecting and defending the interest of a group of vulnerable persons to exercise the civil rights granted to the plaintiff;
- the prohibition on publishing personal details and photographs of minor defendants and witnesses.

Question 31-0 – If there are special arrangements for minors, what are the settings / tools / facilities / practises employed to protect them when they participate in judicial proceedings?

Many countries set specific conditions to facilitate participation of minors in judicial proceedings. This question lists some of the common settings, tools, facilities and practices that are encountered in different systems. Please select those that are used in your system (multiple replies are possible). If, however, some other special arrangements are introduced in your judicial proceedings, please select "Other" and specify them.

"Children's Houses" or "Barnahus" are structures designated to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Its unique interagency approach brings together all relevant services at the same place to avoid secondary victimisation of the child and provide every child with a coordinated and effective response that has a legal standing.

Question 31-1 – What are the main criteria for a person under 18 years of age to act in court proceedings or to be a witness?

The aim of this question is to ascertain if and under which conditions persons under 18 years of age can act in civil and criminal court proceedings. There are two situations that should be distinguished under this question:

- "Capacity to initiate a proceeding and take other procedural actions in his/her own name" – this means that a person under 18 years of age has the right to sue or represent/defend him/herself, and take other procedural actions (examine witnesses, give statements, file motions etc.) in his/her own name **without any legal obligation** to be represented by some other person (parents, legal guardian, social care institutions, lawyer etc.) or to seek anyone's prior or subsequent approval for these actions. This does not exclude the possibility to be represented on minor's own will (for example he/she hires a lawyer), but the most important aspect is that the minor is not required by law to be represented.

- "To be a witness" – is the right to make a testimony before a court and/or be heard directly in the course of a procedure.

If persons under 18 years of age have these rights in your system, please select the criteria which have to be met, separately for civil and criminal matters.

First, indicate the minimum age for obtaining these rights if such threshold is prescribed in your legislation.

"Capacity for discernment" should be selected if courts and/or other institutions in your system evaluate the capacity of a minor to understand the difference between right and wrong as well as the consequences of his/her acts.

If any other criteria are prescribed, please select "Other" and provide more details in the comment.

"NAP" should be selected if a person under 18 years of age cannot act in court proceedings without being represented, nor be a witness.

Question 31-2 – If a person under 18 years of age cannot act in court proceedings in his/her own name, who can represent him/her in judicial proceedings?

The purpose of this question is to find out who represents persons under 18 years of age if they are not allowed by law to represent themselves.

Parent/legal guardian

The first part of the question requires to indicate in what situations parents or legal guardians represent a person under 18 years of age in court proceedings. For the purposes of this question, legal guardian should be understood as a person other than parent who has the legal authority granted by a court and/or other competent institution to care for the personal and property interests of a minor. The question distinguishes civil and criminal proceedings and indicates three possible situations for each of these two types of proceedings.

- "Yes, always" should be selected if there are no exceptions to the general rule that a person under 18 years of age should be represented by the parents or legal guardians.
- "Yes, except in some specific situations" should be selected if the general rule prescribes representation by the parents or the legal guardian, but the law envisages situations in which a person under 18 years of age must be represented by some other individuals or institutions.
- "No" means that parents or legal guardians cannot represent a person under 18 years of age.

If options "Yes, except in some specific situations" or "No" are selected, please indicate who represents persons under 18 years of age instead of parents or legal guardians in the second part of the question.

Other representative (instead of parent/legal guardian)

This representation means that an individual or institution takes valid procedural actions on behalf of a person under 18 years of age instead of parent/legal guardian. The situations in which a person under 18 years of age is only assisted by individuals/institutions (such as team of psychologists or social workers) who do not have a right to conduct proceedings on his/her behalf should be excluded from the answer to this question.

"Social care services or other public institution" refers to all public institutions that are in charge of protecting rights and interests of persons under 18 years of age.

"Legal professional" is a lawyer (or another legal professional; a prosecutor in some systems) appointed to protect rights and interests of a person under 18 years of age in general or in a specific case. This option refers to situations when such representation of a person under 18 years of age is specifically required by the law and should be differentiated from situations in which a minor or parents/legal guardians hire a lawyer although they are not obliged by law to do so. This last situation is out of the scope of this question. Furthermore, situations in which representation by a lawyer is required for all individuals irrespective of age (for example in proceedings before the Supreme Court) should be excluded from the answer to this question.

"Associations for protection of minors" refers to all organizations and associations that are not public but can represent persons under 18 years of age in proceedings.

"Other" should be selected if your system provides some other possibilities for representation.

More details should be provided in the comment. In particular, please specify what concrete institutions/legal professionals/associations/individuals can represent persons under 18 years of age, in what situations and case types they represent persons under 18 years of age, and if there are additional requirements for their representation (such as specific training, certification or similar) etc.

Question 31-3 – What are the different criteria for the criminal liability of minors (multiple replies possible)?

Criminal liability of minors means that they can be held responsible for a criminal act. Depending on the legal system, different criteria might be required for such liability.

“Age threshold” is set as a requirement in most of the systems by envisaging minimum age for criminal liability. This option should be also selected if there are different age limits set in law depending on the type of criminal offence and/or other circumstances.

“Capacity for discernment” should be selected if courts and/or other institutions evaluate the capacity of a minor to understand the difference between right and wrong and the consequences of his/her acts. Taking into account this capacity means that the evaluation of the competent body is:

- taken into account in addition to the age requirement (for example, a minor has to be older than 14 and capable of understanding the consequences of his/her acts), and/or
- constitutes an exception to the age requirement (for example, a minor between 10 and 14 years of age cannot be held liable except if it is assessed that he/she is capable of understanding the consequences of his/her acts), and/or
- constitutes the only requirement for establishing criminal liability of a minor.

The way this criterion is set in your system should be explained in the comment.

If your system prescribes other criteria, please select “Other criteria” and explain them in the comment.

Question 31-3-1 – Is there an age threshold for the criminal liability of minors?

Depending on the possible sanction, the legal systems might prescribe different age thresholds for the criminal liability of minors. Please indicate the thresholds for criminal liability that can result in a sentence without deprivation of liberty (such as educational measures) and a sentence with possible deprivation of liberty. It is possible that some systems prescribe the same age thresholds for both situations and in that case please indicate the same answer in both fields and explain the situation in the comment.
Furthermore, additional details should be provided in the comment regarding age limits and possible sanctions, as well as any specifics of the system. The possibility for mitigation of the sentence should be particularly explained, namely when this possibility can be used and how it is applied.

Question 32 – Does your country allocate compensation for victims of offences?
Question 32-0 – If yes, for what types of offences the compensation is allocated?
Question 32-1 – Is a court decision necessary in the framework of the compensation procedure?

The aim of these questions is to know whether a compensation (i.e., damages) can be paid to the victims of offences and in what situations. Different options are envisaged in Q32.

If compensation is possible, please specify in Q32-0 if it is limited to some types of offences (e.g., only for victims of violent crimes) or it can be allocated for all types of offences.

The general comment can also contain any other information on any other eligibility requirements/conditions for compensation.

The aim of Q32-1 is to know whether a court decision on compensation (irrespective if this decision is a part of the decision establishing the offence or a separate court decision) is required in this procedure. If the decision is not taken by the court (but rather by other authority e.g., public prosecution, executive body, etc.) the answer should be “No”.

Question 34 – Is there a regular monitoring (official studies, reports etc.) allowing the evaluation of the recovery rate of the damages awarded by courts to victims?

If recovery rates of the damages awarded by courts to victims are monitored in any way, please select “Yes” and indicate the rates in the comment. Furthermore, please provide more details in the comment on the way in which recovery rates are monitored, for example refer to studies in which they are published (title of the study, periodicity, authority in charge, link to the latest study etc).

Question 35 – Do public prosecutors have a specific role with respect to victims (protection and assistance)?
Question 35-1 – Do public prosecutors have a specific role with respect to minor victims (protection and assistance)?

The purpose of these questions is to identify the role of the prosecutor in relation to victims and minor victims. In some countries, the competences of public prosecutors are focused on the prosecution of perpetrators and their roles in relation to victims of offences are non-existent or of small significance. On the contrary, in certain countries, the public prosecutor can play a role in the assistance to victims of crime (for example, by providing them with information or assisting them during judicial proceedings, etc.). Furthermore, they might have specific additional duties regarding protection and assistance of minor victims. If this is the case, please specify it.

Question 36 – Do victims of offences have the right to dispute a public prosecutor’s decision to discontinue a case?

This question is related to situations where public prosecutors can discontinue a case, for example due to the lack of evidence, when a criminal offender could not be identified or, in some legal systems, for discretionary reasons. It aims to know whether victims of crime may have the possibility to dispute such a decision – i.e., to appeal or to initiate a recourse to a higher authority, in order to avoid the dismissal of the case.

This question does not concern countries where the public prosecutors cannot decide alone whether to discontinue the case without needing a decision by a judge. The correct answer for such countries is NAP (“not applicable”).

Please verify the consistency of your answer with that of question 105 regarding the possibility (or impossibility) for a public prosecutor "to discontinue a case without needing a decision by a judge".

Question 37 – Is there a system of compensation in the following circumstances:

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

“Excessive length of proceedings” refers to a situation where parties’ right to have a trial within a reasonable time had been violated.

“Non-execution of court decisions” can refer for example to:

- a situation where the execution is delayed for very long and it is no longer of significance for the party or the substantial damages were taken due to delay,
- cases when execution is denied (for any reason) by the competent authority.

“Wrongful arrest/detention” refers to a situation where a person who was deprived of his/her liberty by arrest or detention requires compensation because his/her arrest/detention was deemed to be in contravention of the law.

“Wrongful conviction“ refers to a situation when a person has by a final decision been convicted of a criminal offence and when subsequently it was conclusively shown (for example by the newly discovered facts) that there has been a miscarriage of justice.

The question distinguishes between the number of requests for compensation submitted to the relevant authorities, the number of compensations granted, and the total amount of the compensations granted (in euro).

Question 37-1 – Please specify which authorities are responsible for dealing with the requests and whether a legal time limit exists to deal with these requests

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

Question 37-2 – Are there statistical data disaggregated by gender concerning the number of

Please indicate if your system collects statistical data on gender in respect of persons who initiate a case in other than criminal matters, victims in criminal proceedings recognized as such by the court and perpetrators of criminal offences. If your answer is positive, please provide more details in the comments on the categories of cases/types of offences for which these data are collected and court instances for which these data are collected. Therefore, for civil cases you can indicate the types of disputes (e.g., family cases, divorces, child custody, bankruptcy, employment dismissal or other). Similarly, for criminal cases you could specify the types of offences for which such statistics exist (e.g., domestic violence, child abuse, human trafficking or other).

Question 37-3 – Are there statistical data on the relation between the perpetrator of the criminal offence and the victim recognised by the court?

Relations between the perpetrator of a criminal offence and the person recognised as a victim might be of various nature, e.g., relatives, parent and a child, spouses etc. In each individual case the court determines such relations and some systems, in addition, collect statistical data on these relations. If you have such statistical data please select “Yes” and specify in the comment what exact data are collected, for which types of offences, where they are published etc.

2.2.2 Confidence and satisfaction of citizens with their justice system

Question 38 – Does your country implement surveys to measure trust in justice and satisfaction with the services delivered by the judicial system?

This question concerns the surveys aimed at persons who were in direct contact with a court and who were directly involved in proceedings, as well as general opinion surveys.

This question concerns general existence of regular surveys and not necessarily in the respective reference year. For example, a biannual survey that is implemented every second year but not in the reference year should be counted.

For each user category, please specify the frequency of these surveys both at the national and court levels.

Your answers can refer to different specific surveys, but also to a comprehensive survey including several categories, if the answers for each group of respondents can be differentiated.

“Surveys for judges” means that judges were asked about their satisfaction with judicial services etc.

“Surveys for other professionals” should be selected if any other category of legal professionals was involved, such as enforcement agents and notaries.

“Surveys for minors” refers to situations in which minors appear as respondents to the surveys (which might be the case for some specifically adjusted surveys, i.e., addressing people under 18 on their trust in justice).

“Surveys for the general public” should be selected for all surveys not specifically targeting the respondents but collecting replies from a random sample of persons irrespective of whether they have been involved in court proceedings or not.

Please indicate in the comment any useful information (e.g., the framework for surveys, persons responsible, is feedback required).

3. Organisation of the court system

3.1 Courts

3.1.1 Number of courts

For the purposes of this Scheme, a court means a body established by law to exercise the judicial power of the State in civil, administrative, and criminal matters and where one or several judge(s) is/are sitting, on a temporary or permanent basis.

Question 42 – Number of courts - legal entities
Question 43 – Number of specialised courts – legal entities
Question 44 – Number of courts - geographic locations

For the reasons of comparability, it is required to use the following categorisations and not the ones used in national systems.

A court can be regarded as a legal entity or a geographical location. Therefore, it is required to quantify the courts according to both concepts, which allows, in particular, to give information on the accessibility of courts for the citizens.

For the number of *legal entities*, the possible different divisions of a court shall not be counted individually (for instance, it is not correct to indicate “3” for the same court which includes one civil division, one criminal division and one administrative division. The correct answer is “1”). Besides, the different sites/locations of the courts are not counted in this question (contrary to the question concerning the number of courts as geographic locations, see below).

For the purpose of this question, a court of general jurisdiction is a court which deals with **any** issues which are not attributed to specialised courts owing to the nature of the case.

Please provide the total number of courts of general jurisdiction (legal entities) but also separately the number of first, second and third instance courts of general jurisdiction. If there are only two levels of courts, and consequently the second instance are also the highest courts, please count them under “42.2 Second instance courts of general jurisdiction” and explain this situation in the general comment.

If some courts in the system serve at the same time as first instance courts for certain categories of cases and second instance for other categories, please count these courts as first or second instance courts based on their prevailing competences or qualification by the national legislation. In case of a doubt, use the number of incoming cases as a decisive indicator (for example if a larger part of the incoming cases consists of first instance cases, count them as first instance courts). In any case, they should not be counted under both categories in the table and the situation should be explained in the general comment.

The total number of courts of general jurisdiction (legal entities) should equal to the sum of the three respective sub-categories.

The total number of specialised courts (legal entities) should include specialised courts of all types and instances.

Please count as *specialised courts* only the courts which are indeed considered as such in your system. It should not be **considered as specialised courts**, for instance:

- chambers responsible for "family cases" or "administrative law cases" that are under the authority of the same court of general jurisdiction,
- a Supreme Court or a High Court dealing with all types of cases; they belong to the ordinary organisation of the judiciary.

In some countries, other bodies can be referred to as courts. When they are not part of the ordinary judicial system, they should not be considered here (e.g., courts of audits). If a constitutional court exists as a separate body in the system, it should be included in the reply only if it is considered part of the ordinary judicial system.

In principle, the number indicated in question 42. point 2. (“Total number of specialised courts - legal entities”) should correspond to the sum of all (first instance and higher instance) specialised courts in question 43.

Specialisation of courts should be understood only in terms of legal fields, namely in terms of specific branches of law and not in terms of thresholds defined in respect of the gravity of the sanction or the value of the dispute. Accordingly, courts competent only for minor offences (for example misdemeanour courts, *tribunaux de police*) or courts competent only for the most serious offences (for example assize courts), as well as justices of peace, small claim courts etc. should all be counted as courts of general jurisdiction. Conversely, a court competent only for tax offences or a court competent only for intellectual property law disputes should be qualified as specialized.

Question 43

This question concerns the number of specialised courts as legal entities. It divides the courts on first and higher instances. The later should include the number of second and third instance specialised courts if they exist in the system.

Courts should be included only if they are actually specialised courts. For example, if family law cases are dealt with by courts of general jurisdiction, the answer to the 4th row of the table should be: "NAP" (not applicable).

In principle, the number indicated in question 42 point 2. (“Total number of specialised courts - legal entities”) should correspond to the sum of all (first instance and higher instances) specialised courts in question 43.

If one specialised court covers more law fields (e.g., labour court and social welfare court), this should be counted separately in the corresponding categories but once in the total (in this case, vertical consistency is not required).

Question 44

The purpose of this question is to evaluate the citizens’ access to justice. Please indicate the number of first instance **courts geographic locations** (this includes 1st instance courts of general jurisdiction and first instance specialised courts) and total number of all courts geographical locations (geographic sites) where judicial hearings take place counting all the courts (courts of first instance of general jurisdiction, specialised courts of first instance, second instance and appeal courts of general and specialised jurisdiction, as well as the Supreme Court or High Courts).

Please count the different sites/locations (which could be several buildings together), including dispersed courtrooms, of the same court. For example, if the same court operates in two buildings in separate sites/locations, indicate "2" and in case there are two buildings in the same site/location indicate “1”.

If different instance courts operate on the same site, they should be counted separately (e.g., a fist instance court and a second instance court operate in the same building/site).

3.2 Court staff

3.2.1 Judges and non-judge staff

Questions 46 to 53

These questions aim at numbering all persons entrusted with the task of delivering or participating in a judicial decision. Please make sure that public prosecutors and their staff are excluded from these figures (if it is not possible, please indicate this clearly).

Please indicate the number of posts that are actually filled (on 31 December of the reference year) and not the theoretical budgetary posts.

Please provide the answer in full-time equivalent which indicates the number of persons working the standard number of hours (whereas the gross figure of posts includes the total number of persons working independently of their working hours). The indication of the full-time equivalent implies that the number of persons working part time has to be converted: for instance, one person working half-time should count for 0.5 of a full-time equivalent, two people who work half the standard number of hours count for one full-time equivalent.

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

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

Professional judges (see Q46 – 48) are those who have been recruited, trained and who are paid as such.

Non-professional judges (see Q49 – 49-1) are those who sit in courts and whose decisions are binding but who do not belong to the professional judges, are not arbitrators and do not sit in a jury. This category includes namely lay judges and the (French) "*juges consulaires*"".

Echevinage/mixed bench (see Q49 – -49-1) refers to a system of judicial organisation in which cases are heard and decided by a panel, composed of both professional judge/s (who preside the panel), and persons who do not belong to the rank of professional judges (non-professional members of panel). They are usually chosen within a group of pre-selected persons, eligible to participate in panels, for one case or permanently for a period of time (more cases).

Jury (see Q50) – not to be confused with echevinage (Q49-1), this category concerns for instance the citizens who have been drawn/selected to take part in a jury entrusted with the task of judging serious criminal offences (guilty or not guilty) or other cases. They are selected randomly and usually for one case only.

Question 46 – Number of professional judges sitting in courts (if possible, on 31 December of the reference year)

For the purposes of these questions, *professional judges* are those who have been recruited, trained and who are paid as such. The information should be given for posts that are actually filled (not the theoretical number included in the budget) and in full-time equivalent.

However, judges seconded or temporary assigned to other functions (e.g., to the Ministry of Justice), should not be included in the reported figure.

Please note that court presidents (question 47) should be also included under Q46 if they practise as judges.

Please give an answer in full-time equivalent (see general remarks).

The data concern all courts of general jurisdiction and specialised courts.

In order to better understand gender issues in the judiciary, please specify the number of women and men who practice at the different court levels and specify the number of women and men who practice as court presidents.

Specific attention should be given to courts that serve at the same time as first instance courts for certain categories of cases and second instance for other categories. Concerning judges of those courts, please provide the data in full time equivalent (FTE) for each instance which the judge is attending. If this is not possible, please classify judges according to their main activity.

Question 46-1-1 – Does your system allow part-time work for professional judges with proportionally reduced remuneration?

Part-time work should be understood as having fewer working hours than what is prescribed for full-time work of professional judges. Additionally, the remuneration of professional judges working part-time is reduced proportionally to the remuneration envisaged for full-time work.

Question 46-1-2 – If yes, please specify in which situation(s) part-time work can be granted (multiple replies possible)

The reasons for which the systems grant this possibility might be very different.

“Child-care” refers to a situation in which a judge is a parent or legal guardian of a child under certain age (e.g., part-time is granted to parents of a child under three years of age).

The option “elderly care or other dependant persons’ care” should be selected if there is a specific provision that allows granting part-time work when the judge has to take care of an older member of his/her family or other dependant persons.

Some systems allow part time work also as an accompanying measure towards “early retirement”.

If judges can be granted this possibility without specifying the reasons, please select “No specific reason required”.

If none of the offered options matches your system, please select the option “other reason” and explain situations in which part-time work can be granted.

Question 46-1-3 – If yes, what is the number of professional judges working part-time with reduced renumeration?

If the system allows part-time work with reduced remuneration, the actual number of professional judges for every instance (number of persons, not percentage of the total number or FTEs) who use this possibility should be provided, as well as the number of male and female judges if these data are available.

Question 46-1-4 – Are there other possibilities (apart from part-time) for regular adjustment of working time or conditions with or without reduced remuneration?

Often, systems that do not provide for the possibility for judges to work part-time have other alternatives available to them that allow for regular adjustments of working time or working conditions. The main purpose of this question is to collect information about the different possibilities of regular arrangements.

Some states where judges can work part-time also offer other possibilities for regular adjustments of working time or conditions. The countries concerned are invited to answer positively to both sets of questions and to explain in their comments how these different options coexist and complement each other.

It should be noted that teleworking or flexible working hours, which are more a matter of the judge's freedom to organise his or her working day, are not covered by this question. Similarly, special leave of short duration required by exceptional circumstances (e.g., sick leave for children) should not be taken into account here.

This question concerns modalities with both reduced or without reduced remuneration.

“Temporary reduction of the workload” can be granted to a judge in a form of reduction of the number of cases a judge has to resolve or the number of other tasks a judge is required to complete.

“Temporary reduction of the working time / special leave” – the first option (temporary reduction of working time) means that a judge still works but with reduced number of working hours or working days for a specific period of time (e.g. 4 hours a day or 10 working days a month for a period of 6 months and similar) while special leave should include situations where a judge is granted absence from work for a specified period of time e.g. 6 months for a child care.

Question 46-1-5 – If yes, please specify in which situation(s) these possibilities can be used?

If the possibilities described in the previous question exist, please indicate in which circumstances they can be used by a judge.

“Child-care” refers to a situation in which a judge is a parent or legal guardian of a child under certain age (e.g., the parents of a child under three years of age can benefit from the possible adjustments).

The option “elderly care or other dependant persons’ care” should be selected if there is a specific provision that allows a judge who has to take care of an older member of his/her family or other dependant persons to benefit from some adjustments.

Some systems allow some adjustments also as an accompanying measure towards early retirement.

If judges at the beginning of their career have the right to be granted adjustments of working time or conditions as part of their induction process (e.g., less cases to be resolved in the first year of their work), please select “As part of induction process for new judges”.

If judges can be granted these possibilities without specifying the reasons, please select “No specific reason required”.

If none of the offered options matches your system, please select the option “other reason” and explain in the comment.

Question 46-2 – Number of judges (FTE) by case type

If there are judges specifically designated to decide only in certain types of cases, please provide a breakdown of the number of judges practicing in civil/commercial, criminal, administrative and other cases. When one judge decides in different types of cases, he/she must be categorised according to a percentage of FTE spent on different case types (for example, if a judge works 50% of full-time and spends half of the working time on civil/commercial cases and the other half on criminal cases, it should be counted 0,25 for civil and/or commercial cases and 0,25 for criminal cases). If allocation of judges per case type changes during the reference year, the answer should reflect the situation on 31 December of the reference year.

If percentage of FTE spent on different case types is not envisaged (prescribed in regulations or courts’ internal documents) nor it can be calculated/estimated, the answer should be NA. If all judges decide in all types of cases and calculation/estimation of time spent on different case types cannot be made, the answer should be NA.

“Criminal” should include judges working on severe, misdemeanour / minor criminal cases, but also judges working on criminal cases involving minors, investigation and/or other ancillary procedures in criminal cases.

“Other” should include judges that cannot be categorised as working on civil/commercial, criminal or administrative cases, such as judges of military courts if they exist in the system.

The totals should equal total numbers provided in question 46.

Question 47 – Number of court presidents

The ***court president*** must be understood as a judge (or non-judge) who is in charge of the organisation and the management of a court (legal entity). Regarding the countries such as Spain and Turkey where one judge is considered as one legal entity, this definition could be interpreted as a person which receives the title of "President" for the entire court (and not the president of a chamber or a section of a chamber) and who is, for example, responsible for coordinating the work of all the judges of his/her court.

Please note that court presidents (question 47) are also included under question 46 if they practise as judges.

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

Question 48 – Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible, on 31 December of the reference year)
Question 48-1 – Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

These questions concern *occasional professional judges* who do not perform their duty on a permanent basis but who are paid for their function as a judge.

At first, the *gross data* could be indicated. Secondly, in order to compare the situation between member States, the same indication could be given, if possible, in *full-time equivalent*.

Question 48-1 allows measuring to what extent occasional professional judges participate in the judicial system.

Question 49 – Number of non-professional judges who are not remunerated but who may receive a simple defrayal of costs (if possible, on 31 December of the reference year) (e.g., lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury)
Question 49-1 – If such non-professional judges exist at first instance in your country, please specify for which types of cases

For the purposes of these questions, ***non-professional judges*** are those who sit in courts (as defined in Q46) and whose decisions are binding but who do not belong to the categories mentioned in Q46 and Q48 above. This category includes namely lay judges and the (French) "*juges consulaires".* Neither the arbitrators, nor the persons who have been sitting in a jury (see Q50) are subject to this question.

The answer "Yes" applies to the situation where a non-professional judge performs the function independently, or a panel of judges is composed of non-professional judges only.

The "echevinage/mixed bench" is a system of judicial organisation in which cases are heard and decided by a panel, composed of both, professional judge/s (who preside the panel), and persons who do not belong to the professional judges. They can be either chosen randomly or within a group of pre-selected persons, eligible to participate in panels.

When choosing between replies "Yes" and "Echevinage / mixed bench" the decisive point should be the possibility for a non-professional judge to make binding decisions independently. If a non-professional judge can make a binding legal decision without a professional judge the answer should be "Yes". If such competence does not exist, the correct answer should be "Echevinage / mixed bench".

Question 50 – Does your judicial system include trial by jury with the participation of citizens?

This category concerns for instance the citizens who have been drawn/selected to take part in a jury entrusted with the task of judging serious criminal offences or other cases. It may be a jury composed for one case or several cases.

Question 51 – Number of citizens who were involved in such juries for the year of reference

If you select "other cases", please specify in the comment to which types of cases does it refer.

Question 52 – Number of non-judge staff who are working in courts (if possible on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for posts actually filled)

All non-judge staff, working in all courts, must be counted here in full-time equivalent for posts actually filled. In order to better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the public prosecution services (question 60) (otherwise mention the situation in the comment).

Please give answer in full-time equivalent (see general remarks).

The different categories are:

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

*2. "****Non-judge (judicial) staff whose task is to assist the judges such as registrars"*** directly assist a judge with judicial support (assistance during hearings, (judicial) preparation of a case, judicial assistance in the drafting of the decision of the judge, legal counselling - for example court registrars). If data have been given under the previous category (Rechtspfleger), please do not include this figure again under the present category.

3. ***"Staff in charge of different administrative tasks*** **and of the** ***management of the courts"*** are not directly involved in the judicial assistance of a judge, but are responsible for administrative tasks (such as the registration of cases in a computer system, the supervision of the payment of court fees, administrative preparation of a case files, archiving) and/or the organisation of some of the court services (for example staff in court secretariat, management, financial, analytical, and human resources units etc.).

4. ***Technical staff*** includes staff in charge of execution tasks or any technical and other maintenance related duties such as cleaning staff, security staff, staff working at the courts' ICT technicians or electricians.

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

This question should be filled respecting the horizontal and vertical consistency as described in "General remarks" of the explanatory note.

Question 53 – If there are Rechtspfleger (or similar bodies), please specify in which fields they have a role

For definition of the *Rechtspfleger* see question 52.

Question 54 – Have the courts outsourced certain services under their responsibilities to external providers?
Question 54-1 – If yes, please specify which services have been outsourced

The aim of these questions is to know if courts outsource certain services (tasks) to enable their normal operation, to private or other providers and comparing this issue with the number of court staff.

Question 54-1 gives a list of examples for services that can be outsourced.

3.3 Public prosecution

3.3.1 Public prosecutors and staff

Questions 55 – Number of public prosecutors (on 31 December of the reference year)

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

The information should be given in full-time equivalent for posts that are actually filled (not the theoretic number which appears in the budget) (see note on questions 46 and 47).

In order to better understand gender issues in the judiciary, please specify the number of female and male staff working at different levels of jurisdiction as well as the number of female and male staff who are heads of public prosecution offices.

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

Please note that the heads of prosecution office (question 56) are also counted under question 55 if they practise as prosecutors.

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

Question 55-1-1 – Does your system allow part-time work for prosecutors with proportionally reduced remuneration?

Part-time work should be understood as having fewer working hours than what is prescribed for full-time work of public prosecutors. Additionally, the remuneration of public prosecutors working part-time is reduced proportionally to the remuneration envisaged for full-time work.

Question 55-1-3 – If yes, what is the number of prosecutors working part-time with reduced remuneration?

If the system allows part-time work with reduced remuneration, the actual number of public prosecutors for every instance (number of persons, not percentage of the total number or FTEs) who use this possibility should be provided, as well as number of male and female judges if these data are available.

Question 55-1-2 – If yes, please specify in which situation(s) part-time work can be granted? (multiple replies possible)

The reasons for which the systems grant this possibility might be very different.

“Child-care” refers to a situation in which a public prosecutor is a parent or legal guardian of a child under certain age (e.g., part-time is granted to parents of a child under three years of age).

The option “elderly care or other dependant persons’ care” should be selected if there is a specific provision that allows granting part-time work when a public prosecutor has to take care of an older member of his/her family or other dependant persons.

Some systems allow part-time work also as an accompanying measure towards “early retirement”.

If public prosecutors can be granted this possibility without specifying the reasons, please select “No specific reason required”.

If none of the offered options matches your system, please select the option “other reason” and explain the situations in which part-time work can be granted.

Question 55-1-4 – Are there other possibilities (apart of part-time work) for regular adjustment of working time or conditions with or without reduced remuneration?

Often, the systems that do not provide for the possibility of public prosecutors to work part-time have other alternatives available to them that allow for regular adjustments of working time or working conditions. The main purpose of this question is to collect information about the different possibilities of regular arrangements.

Some states where public prosecutors can work part-time also offer other possibilities for regular adjustments of working time or conditions. The countries concerned are invited to answer positively to both sets of questions and to explain in their comments how these different options coexist and complement each other.

It should be noted that teleworking or flexible working hours, which are more a matter of the public prosecutor's freedom to organise his or her working day, are not covered by this question. Similarly, special leave of short duration required by exceptional circumstances (e.g., sick leave for children) should not be taken into account here.

This question concerns modalities with both reduced or without reduced remuneration.

“Temporary reduction of the workload” can be granted to a public prosecutor in a form of reduction of the number of cases he/she has to process or the number of other tasks a public prosecutor is required to complete.

“Temporary reduction of the working time / special leave” – the first option (temporary reduction of working time) means that a public prosecutor still works but with reduced number of working hours or working days for a specific period of time (e.g. 4 hours a day or 10 working days a month for a period of 6 months and similar) while special leave should include situations where a public prosecutor is granted absence from work for a specified period of time e.g. 6 months for a child care.

Question 55-1-5 – If yes, please specify in which situation(s) these possibilities can be used?

If the possibilities described in the previous question exist, please indicate in which circumstances they can be used by a public prosecutor.

“Child-care” refers to a situation in which a public prosecutor is a parent or legal guardian of a child under certain age (e.g., the parents of a child under three years of age can benefit from the possible adjustments).

The option “elderly care or other dependant persons’ care” should be selected if there is a specific provision that allows a public prosecutor who has to take care of an older member of his/her family or other dependant persons to benefit from some adjustments.

Some systems allow some adjustments as an accompanying measure towards early retirement.

If public prosecutors at the beginning of their career have the right to be granted adjustments of working time or conditions as part of their induction process (e.g., less cases to be processed in the first year of their work), please select “As part of induction process for new public prosecutors”.

If public prosecutors can be granted these possibilities without specifying the reasons, please select “No specific reason required”.

If none of the offered options matches your system, please select the option “other reason” and explain in the comment.

Questions 56 – Number of heads of prosecution offices

For the purposes of this question, a ***head of public prosecution office*** should be understood as a prosecutor (or non-prosecutor) who is in charge of the organisation and management of a prosecution office (legal entity).

For the countries such as Serbia where in one prosecution office, there is one prosecutor and all others are deputy prosecutors, for the purposes of this questionnaire the “prosecutor” is considered as a head of prosecution office and the deputy prosecutors should be considered as prosecutors (whose number should be reported in question 55).

Please note that the heads of prosecution office (question 56) are also counted under question 55 if they practise as prosecutors.

Question 57 – In your judicial system, do other persons have similar duties to those of public prosecutors? Question 59 – If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

In some judicial systems, there are *persons who are specifically entrusted with duties similar to those exercised by public prosecutors*, for instance police officers that are able to bring a case before court or to negotiate sentences. This excludes lawyers that bring charges to a criminal hearing and victims who can go directly to the judge without having the public prosecution services intervene.

Please specify if in your judicial system exist persons having similar duties to public prosecutors. If the answer is positive, please provide more information in the comment of question 57.

Please give an answer in full-time equivalent (see general remarks).

Please also specify within the question 59 whether these persons are included in the data concerning the number of public prosecutors (question 55).

Question 59-1 – Do prosecution offices have prosecutors who are specially trained in areas of domestic violence and sexual violence?

In this question, please select the reply “Yes” if general trainings (initial or continuous) for prosecutors are available to address offences relating to domestic violence on one side, and sexual violence on the other. Furthermore, if such trainings exist in your system and, they are specifically designed for minor victims, please select “Yes, specifically for minor victims”. If both general trainings and specific ones for minors exist, please select both affirmative answers (“Yes” and “Yes, specifically for minor victims”). These answers will help evaluate how different judicial systems take these issues into account.

Question 60 – Number of staff (non-public prosecutors) attached to the public prosecution services, if possible, on 31 December of the reference year and without the number of non-judge staff, see question 52 (in full-time equivalent and for posts actually filled)

For the purposes of this question, please number the non-prosecutor staff working for the prosecution system, even when this staff appears in the budget of the court. This figure should not include the number of staff working for judges. The information should be given in full time equivalent for posts which are actually filled (not the theoretic number included in the budget).

Please give answer in full-time equivalent.

Please describe in the comment which categories of staff exist in your public prosecution services and what are their tasks. If available, please also provide their numbers in the comment.

3.4. Gender equality

3.4.1. Specific provisions for facilitating gender equality

This section is dedicated to the gender equality in justice systems. It aims to identify if there are steps to improve balance between males and females, as well as to discover concrete measures, regulation and competent institutions that should facilitate gender equality on both national and individual court/prosecution office level.

When answering different questions in this section, please indicate and explain measures, regulation and institutions that are specifically designed for facilitating gender equality in the justice system. Exceptionally, if only general measures, regulation and institutions exist in the system, you may explain them in the general or specific comment if they have achieved particularly significant impact in the area of justice.

Question 61-2 – Are there specific provisions for facilitating gender equality within the framework of the procedures for recruiting

A very significant aspect of gender equality is ensuring balanced number of male and female professionals through the procedures of recruitment. Please answer “Yes” only in the situation when legislation provides provisions that are specifically designed for facilitating gender equality within procedures for recruiting of different listed categories (judges, prosecutors, non-judge staff, lawyers, notaries and enforcement agents), such as a system of quotas and/or similar systems of positive discrimination. If such provisions exist, please explain them in the side comment. If there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-3 – Are there specific provisions for facilitating gender equality within the framework of the procedures for promoting

For gender equality it is not only important how many professionals of different gender take positions, but also which positions they take within the system. Sometimes, inspite of equal numbers of professionals, there might be an unacknowledged barrier to advancement in a profession for one of the genders, so-called “glass ceiling”. In judicial systems, this phenomenon implies that the higher the instance level, the lower the number of women is (and thus the percentage), but also reflects in difficulties to access functions of court presidents and heads of prosecution offices. In order to tackle this issue, some systems introduce specific provisions for facilitating gender equality within procedures for promoting. Please answer “Yes” only in the situation when the legislation provides provisions that are specifically designed for facilitating gender equality within the framework of the promotion procedure for the different listed categories (judges, prosecutors, non-judge staff, lawyers, notaries and enforcement agents). The promotion in this question should be understood as a procedure of upgrading the rank and/or salary following an application. If such provisions exist, please explain them in the side comment. If there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-3-1 – Are there specific provisions for facilitating gender equality within the framework of the procedures for the appointment of

A court president and head of prosecution services are considered particularly important positions of responsibility, and therefore this type of appointment should be specifically analysed. Please answer “Yes” only in the situation

when the legislation provides provisions that are specifically designed for facilitating gender equality within the framework of appointing only the two concerned categories: court presidents and head of prosecution services. If such provisions exist, please explain them in the comment.

3.4.2 At national level

Question 61-5 – Does your country have an overarching document (e.g., policy/strategy/action plan/program) on gender equality that applies specifically to the judiciary?

Please answer "Yes", only if there is an overarching document that applies specifically to the judiciary. Exceptionally, the question can be answered "Yes" if there is a broader document that includes other sectors too, but only if there is a special part of the document targeting exclusively judiciary in more details. An overarching document should be understood as any strategic document such as policy, strategy, action plan, program and similar.

If such document exists, please provide more details in the comment and particularly specify the objectives, time frame, budget for implementation, as well as mandate and roles of the competent authorities etc.

Questions 61-6 – At national level, is there any specific person (e.g., an equal opportunities commissioner) / institution dealing with gender issues in the justice system concerning

This question is designed to collect information on existence and characteristics of a person/institution specifically established to deal with gender issues in the justice system. It only concerns with authorities that have competences on a national level. There are several sub-questions concerning procedures for recruitment and promotion of the three categories: judges, public prosecutors and non-judge staff. There might be a person/institution that does not deal with recruitment and promotion procedures, but, has competences over other relevant gender issues in the justice system. In that case, please answer "No" on the sub-questions and provide an explanation in the comment.

In the comment, please specify the status of this person/institution (e.g., is it independent). Please also explain its function and roles, particularly whether its function is consultative, or its opinion/decisions have legal consequences (e.g., to suspend a decision). Furthermore, you may also indicate which issues are within the competences of this person/institution, what is the duration of its mandate, is the mandate renewable etc.

3.4.3 At court/public prosecution services level

Question 61-7 – At the court or public prosecution services level, is there a person (e.g., an equal opportunities commissioner)/institution specifically dedicated to ensure the respect of gender equality in the organisation of judicial work

This question requires information on existence of a person/institution specifically established to deal with gender issues in the organisation of judicial work. It only concerns with the authorities that have competences on a court or public prosecution services level.

In the comment, please specify which titles, competences and tasks this person/institution has, as well as what is the duration of its mandate, is the mandate renewable etc. Furthermore, if there have been recent developments in this area, such as adoption of new or changes of existing regulations, please describe them in the comment. Also, you may add any other relevant information in the comment.

Question 61-9 – In order to improve gender balance in access to different judicial professions and gender equality in promotion and in access to functions of responsibility, what are the measures, in your country, which

This question concerns the measures that should improve gender equality when gender imbalance had already been identified in access to different positions and functions of responsibility, as well as in promotion procedures (the glass ceiling phenomenon). Such measures include for example work life balance measures, subsidies for

childcare, social infrastructure etc.
The two offered answers refer to the following:

- "have been already implemented" - the measures have been implemented or the implementation has started although it has not been fully finalized during year of reference +1;

- "are planned" – measures are just at the stage of a proposal, public discussion, drafting a concrete official document (strategy, law etc) or similar.

Once you select the appropriate answer, please explain the measures and provide relevant details in the answer box.

Question 61-10 – Are there evaluation studies or official reports regarding the main causes of possible gender inequalities with regard to

This question refers to any official document (study, official report etc.) that identifies the main causes of possible inequalities in the areas of recruitment and promotion, as well as appointment to the positions of court presidents and heads of prosecution services. It should be noted that this is an open-ended question, and therefore, any other study that deals with causes of inequalities should be reported under "Other studies". The main causes of possible inequalities might include for example limited pool of qualified candidates of one gender, limited availability of judgeships (at different levels), limited access to professional development opportunities, stringent requirements for judicial appointments, challenges in balancing work and life, appointment process (e.g. discriminatory practices, gender bias, lack of transparency), method of selection, gender-based stereotypes, lack of quotas/targets/positive discrimination etc. Please provide any further relevant information regarding the answer. If answer "Yes" is selected, the main identified causes should be specified as well as the reference documents.

3.5 Use of information Technologies in courts

3.5.1 Governance

Many questions in the ICT part of the questionnaire refer to the deployment (availability) rate and usage rate. While the deployment rate indicates the functional presence of the devices /tools/services described in the questions within courts, the usage rate is focusing on their usage in practice. Since the methodology to present the Deployment and usage rates is not always straightforward, a specific definition and examples are then given in each question.
Please note that both these rates should be based on measurement where possible, but if this is unfeasible, the answer could be your best estimate.

ICT STRATEGY

Question 062-01 - Do you have an overall Information and Communication Technology (ICT) strategy in the judicial system?

An Information and Communication Technology (ICT) strategy is an effective plan for future development in ICT in judiciary in a written and binding form. It usually also includes an action plan, or it is accompanied by one. Planned actions can include the development and/or evolution of the Case Management System (CMS), digitalisation of new branches (e.g. digitalisation of administrative procedures), or development and implementation of new software/tools for specific litigation. In this question, the focus is on the ICT strategy that is specific to the judiciary.

Question 062-02 - If there is an overall ICT strategy in the judicial system, who was involved in the process of its definition?
This question focuses on how the ICT strategies in the judiciary were developed and who was involved in their development. The information to be collected should allow understanding which relevant players listed in this question are part of the process.

LEGISLATION

Question 062-03 - Does a national legislation/regulation of ICT in the judicial system exist?

This question tries to identify if there is a specific legislation on the utilisation of ICT in the judiciary at the national level. Please answer and describe how is the usage of ICT in the judiciary regulated.

Question 062-04 - If yes, how is this legislation/regulation of ICT in the judicial system structured?

This question refers to the legal frame used for ICT in the judiciary.
The first modality refers to the regulation of the ICT in the judiciary by the general e-government laws, in other words, when issues related to the digitalisation in the judiciary fall within the scope of the general law regulating ICT in the public domain.
The second option should be selected when there is a specific law/s that regulates the use of ICT in the judiciary only.
The third option is for the cases when the use of ICT in the judiciary is not necessarily regulated by law but defined in technical documents/specifications describing their technical functionalities.
Any other option goes under the fourth modality. If more than one of the proposed models exist in your country, please select them all and explain the details in the comment.

IMPACT OF IMPLEMENTATION OF ICT SYSTEMS

Question 062-05 - Have you already organised audits/evaluations/assessments of the impact of the implementation ICT system?

The purpose of this question is to see if different types of evaluations/audits/assessments are carried out to analyse the impact (positive or negative) of ICT development on the work of the courts and/or to evaluate their performance and/or security. The answer should be “Yes” both if this evaluation is done internally or outsourced to an external contractor.

Question 062-06 - If these audits/evaluations/assessments were already organised, please specify the modalities:

The proposed areas of impact are understood as follows:
ICT Governance: an ICT governance audit ensures that ICT investments fit the needs of the judicial system by contributing to the creation of value, increasing the performance of ICT processes, guaranteeing that the risks related to the information system are under control, controlling the financial aspects of the information system, avoiding that public money are wasted on unsuccessful projects, and developing the solutions and the skills in data processing, which the judicial system will need in the future while developing the transparency of its actions. In an ICT system with good governance, all stakeholders acting as advisory body (e.g. Presidents of Courts, Heads of prosecution services) are involved in the decision-making process, in order to improve the functionality and efficiency of the judicial system and does not create additional workload for its players.
Security and risk management: these audits focus on the security of the data and processes from external influence and access. There are different types of testing of the system security resilience measures, both from physical damage and especially from digital fraud, system manipulation, misuse, and cyber-attacks internally and externally.
Impact on efficiency and quality of the business processes and workflow: this means evaluation/analysis measuring the impact of the ICT system on certain services in the courts. For example, in the case of the introduction of electronic submission of documents, a reduction in delivery time could be measured, together with an improvement in the quality or readability of the submitted documents. Positive or negative impacts on the number of paper copies to be produced and submitted to different parties could be measured as well.
Impact on human resources (number, workload, wellbeing): in this case, for the same example, one could measure the impact on the workload of different court employees (judges, non-judge staff)**,** the impact on the number of court staff required to deliver the same service, the impact on the satisfaction of the internal and external users, and/or the impact on their wellbeing.
Other: includes all non-mentioned evaluations of the impacts of ICT systems on the judicial process flow. If you have selected this option, please provide details in the comment.

The first column focuses on the way how these audits/evaluations/assessments are organised, if internally (by the same institution) or externally (by other institutions or private companies).
The second column requires a specific reply on the moment when the last one was carried out with respect to the reference year. Please add in the comment what was the content of the last evaluation.
NAP - no audit has been organised, means that no audit/evaluation/assessment was organised in the relevant area.

Question 062-07 - If these audits/evaluations/assessments were already organised in the last five years, how do you apply the recommendations/results?

The purpose of audits/evaluations/assessments is to use their results to improve the system. This question focuses on several proposed measures that were undertaken based on the recommendations provided in the evaluation, audit and/or assessment. Please refer to on the experience-based measures and not on the theoretical possibilities. The question allows multiple answers in case more measures are already undertaken.

3.5.2 Electronic case processing

ELECTRONIC SUBMISSION OF CASES

In this part, different phases in electronic case processing (e-filing) are analysed, and the deployment rate and usage rate of each are requested for civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

Question 062-08 - If it is possible to submit a case to a court electronically, what are the deployment and usage rates?

This question focuses on the deployment and usage rates for the electronic submission (initiation) of a case to a court in civil, administrative, and criminal matters. Please note that when NA is selected, it will be valued as 0 in the calculation of the ICT index, the same way as the NAP option when electronic submission is not possible for the matter concerned.

The **deployment rate** should indicate the level of availability of the electronic submission across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases for which electronic submission is possible and the total number of incoming cases, in the reference year.
The **usage rate** should indicate the level of use of the electronic submission across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases that were electronically submitted, and the number of cases submitted for which the electronic submission was possible, in the reference year.

Example: A judicial system had a total number of 100 000 incoming cases during the reference year. Amongst these 100 000 cases:
50 000 cases were electronically submitted.
30 000 other cases were submitted in paper format, but the electronic submission was possible.
The remaining 20 000 cases were submitted in paper format because the electronic submission was not possible for these cases.

In this situation:
The **deployment rate** is (50 000 + 30 000) / 100 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 50 000 / (50 000 + 30 000) = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-09 - If it is possible to submit a case to a court electronically, please specify the modalities:

As the previous one, this question is related to the submission (initiation) of a case to a court in civil, administrative, and criminal matters.
The first column identifies the possibility of submitting a case electronically and/or on paper and all the possible combinations. The aim is to evaluate the technical development but also access to justice for those who are technically deprived.
Paper submission is still possible: this option is equivalent to the "Digital by default" principle, as specified in the Guidelines on electronic court filing (e-filing) and digitalisation of courts of the CEPEJ CYBER-JUST Working Group and entails providing public services by digital means as the preferred option. The purpose for existence of paper submission could be not to exclude those who cannot submit case electronically.
Paper submission is not possible anymore (electronic submission is the only way): applies to those systems where electronic submission is mandatory and paper submission is not possible anymore.
Double submission (paper must accompany the electronic submission): as stated, this is for systems that require that whenever there is an electronic submission, a paper document must be submitted, too (e.g. in the case of a system in transition or waiting for an official regulation).
NAP – electronic submission is not possible

The second column focuses on the different users of the system that are allowed to submit a case electronically. In case you also select the option "Other", please specify details in the comment of the question.

The third column on the integration of the data, considers the way the data included in the electronic submission are integrated later into the Case Management System (CMS). The purpose of this question is to see if the data need to be manually re-entered from the submitted documents or if the data are already pre-filled by the applicant and automatically transferred, regardless of later validity confirmation by the court registry.

SENDING ELECTRONIC DOCUMENTS TO COURT

Question 062-10 - If it is possible to send case-related documents to the courts electronically, what are the deployment and usage rates?

This question focuses on the deployment rate and usage rate for sending electronically case-related documents to the courts in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of the possibility to send electronic documents across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of documents for which the electronic transmission is possible, and the total number of documents sent in the reference year.
The **usage rate** should indicate the level of use of electronic transmission of documents across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of documents that were electronically sent and the number of documents for which the electronic transmission was possible in the reference year.

Example: In a judicial system a total number of 100 000 documents were sent during the reference year. Amongst these 100 000 documents:
50 000 documents were electronically sent.
30 000 other documents were delivered in paper format, but electronic transmission was possible.
The remaining 20 000 documents were delivered in paper format because electronic transmission was not possible.

In this situation:
The **deployment rate** is (50 000 + 30 000) / 100 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 50 000 / (50 000 + 30 000) = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-11 – If it is possible to send electronically case-related documents to the courts, please specify the modalities:

As the previous one, this question is related to the electronic transmission of documents (e.g. briefs, certificates, delegations, evidence) to the courts in civil, administrative and criminal matters. Documents initiating a proceeding are part of a previous questions, while documents attached to electronic notifications from the court should be considered in the next question.

This question specifically focuses on the way in which the electronic transmission of documents to the courts is done for each matter.

The first column identifies the possibility of sending documents electronically and/or in paper format and all the combinations possible. The aim is to evaluate the technical development but also access to justice for those who are technically deprived.
Paper delivery is still possible: this option is equivalent to the "Digital by default" principle as specified in the Guidelines on electronic court filing (e-filing) and digitalisation of courts of the CEPEJ CYBER-JUST Working Group and entails providing public services by digital means as the preferred option. The purpose for existence of paper delivery could be not to exclude those who cannot send the documents electronically.
Paper delivery is not possible anymore (electronic delivery is the only way): applies to those systems where electronic transmission is mandatory, and paper delivery is not possible anymore.
Double delivery (paper delivery must accompany the electronic one): as stated, this is for systems that require that whenever there is an electronic delivery of documents, a paper copy must be delivered, too (e.g. in the case of a system in transition or waiting for an official regulation).
NAP – electronic delivery is not possible

The second column focuses on the different users of the system that are allowed to electronically send case-related documents to the courts. When selecting the option "Documents sent by another person/institution", please specify details in the comment.

The third column on the data integration from the electronic delivery considers the way the data from the electronically sent documents are integrated later into the Case Management System (CMS). This question aims to see if the data need to be manually re-entered from the sent documents or if the data are already pre-filled by the applicant and automatically transferred regardless of later validity confirmation by the court registry.

ELECTRONIC NOTIFICATION

Question 062-12 - If it is possible for courts to send electronic notifications, what are the deployment and usage rates?

This question focuses on the deployment and usage rates for electronic notifications from the courts related to a court case in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of the electronic notifications across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of notifications for which the electronic despatch is possible, and the total number of notifications sent in the reference year.
The **usage rate** should indicate the level of use of the electronic notifications across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of notifications that were electronically sent and the number of notifications for which the electronic despatch was possible in the reference year

Example: A judicial system had a total number of 100 000 notifications sent during the reference year. Amongst these 100 000 notifications:
50 000 notifications were electronically sent.
30 000 other notifications were sent in paper format, but the electronic despatch was possible.
The remaining 20 000 notifications were sent in paper format because electronic despatch was not possible.

In this situation:
The **deployment rate** is (50 000 + 30 000) / 100 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 50 000 / (50 000 + 30 000) = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-13 - If it is possible for courts to send electronic notifications, please specify the modalities:

As the previous one, this question is related to the electronic notifications issued by the courts in civil, administrative, and criminal matters accompanied or not by documents.
This question specifically focuses on the modalities of these notifications for each matter.

The first column identifies the possibility of sending notifications electronically and/or in paper format and all the combinations possible. The aim is to evaluate the technical development but also access to justice for those who are technically deprived.

Paper notification is still possible: this option is equivalent to the "Digital by default" principle as specified in the Guidelines on electronic court filing (e-filing) and digitalisation of courts of the CEPEJ CYBER-JUST Working Group and entails providing public services by digital means as the preferred option. The purpose for existence of paper notifications could be not to exclude those who cannot receive electronic notifications.
Paper notification is not possible anymore (electronic notification is the only way): applies to those systems where electronic notifications are mandatory, and paper notifications are not possible anymore.
Double notification (Paper notification must accompany the electronic one): as stated, this is for systems that require that whenever there is an electronic notification of documents, a paper copy must be sent, too (e.g. in the case of a system in transition or waiting for an official regulation).
NAP – electronic notifications are not possible

The second column focuses on the different types of notifications. When selecting the option "Notifications sent to other persons/institutions", please specify details in the comment.

The third column on data integration from the electronic notification considers the way the data used in the electronic notification are generated from the Case Management System (CMS). The purpose of this question is to see if the data need to be created manually or if they are generated from the data already available in the CMS.

CONSULTATION OF A CASE ONLINE

Question 062-14 - If it is possible for external users to consult a case online, what are the deployment and usage rates?

This question focuses on the deployment and usage rates for the electronic consultation of court case files in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.
By external users to the system, we understand all users apart of judges, non-judge staff and prosecutor services in some countries who access the system directly and do not need an online access to the court case.

The **deployment rate** should indicate the level of availability of the electronic consultation of active court case files (not finalised / still processed by the court) across all instances, categories of cases and types of users in each

matter (civil, criminal, and administrative). It should be calculated as the ratio between the active cases for which the electronic consultation is possible and the total number of active cases in the reference year.

The **usage rate** should indicate the level of use of the electronic consultation of active court case files across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of electronic consultations of active court case files and the number of active court case files for which the electronic format was possible in the reference year

Example: A judicial system had a total number of 100 000 active cases during the reference year. Amongst these 100 000 active cases:
80 000 cases were electronically accessible.
20 000 cases were not electronically accessible.
50 000 were electronically accessed at least once.
In this situation:
The **deployment rate** is 80 000 / 100 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 50 000 / 80 000 = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-15 - If it is possible to consult a case online, please specify the modalities:

As the previous one, this question is related to the electronic consultation of a case in civil, administrative, and criminal matters and specifically focuses on the modalities of this service for each matter.
By external users to the system, we understand all users apart of judges, non-judge staff and prosecutor services in some countries who access the system directly and do not need an online access to the court case.

The first column identifies the content of this service and what is visible/accessible to the user. There are several modalities in this column, and multiple choice is possible.

The second column focuses on the different users that can access this service. When selecting the option “Other”, please specify details in the comment.

The third column on the format of the electronic consultation specifies different categories of access possible.
Electronic access only at the court premises when this electronic access is possible at the court premises on dedicated computers.
Other, any other possible alternative. When selecting this option, please specify details in the comment.
In each column, the option **NAP** – electronic consultation is not possible, is when service does not exist at all.

REMOTE HEARINGS

Question 062-16 - If it is possible to organise remote hearings, what are the deployment and usage rates?

This question focuses on the deployment and usage rates for remote court hearings in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of remote hearings across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of hearings where the online format was possible and the total number of hearings in the reference year.

The **usage rate** should indicate the level of use of the remote hearings across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of

remote hearings that were organised and the total number of hearings where remote hearing was possible in the reference year.

Example: A judicial system had a total number of 10 000 hearings during the reference year. Amongst these 10 000 hearings:
For 8 000 hearings, a remote hearing was possible.
5 000 remote hearings were organised.

In this situation:
The **deployment rate** is 8 000 / 10 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 5 000 / 8 000 = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-17 - If it is possible to organise remote hearings, please specify the functionalities and modalities:

As the previous one, this question is related to the organisation of online hearings in courts in civil, administrative, and criminal matters and focuses on the functionalities and modalities of this service for each matter.

The functionalities listed refer to different technical issues while the modalities on organisational.

Option NAP – online hearings are not yet possible for the matter concerned.

Functionalities:
Dedicated tool specially designed for the use in courts should be selected when remote hearings are organised using a dedicated software or platform developed for the purpose.
Publicly available tools used in courts should be selected when hearings are organised using public platforms (such as Teams or Zoom).
Organisation of private sessions within online hearings for consultation between parties and their lawyers should be selected when it is possible to organise parallel private sessions during the remote hearings
Tools for witness protection (voice distortion, picture distortion) should be selected if tools to hide the identity of the participants are integrated into the platform
Tools for simultaneous interpretation should be selected if tools to provide simultaneous interpretation are integrated into the platform
Tools for automatic subtitling (speech-to-text) should be selected if tools to provide automated captions are integrated into the platform
NAP – remote hearings are not possible
Modalities:
Agreement of the parties is needed should be selected if the parties have the right to refuse the online hearing
The judge can impose remote hearing should be selected if, on the contrary, the parties do not have the right to refuse the online hearing
NAP – remote hearings are not possible

ELECTRONIC ARCHIVES

Question 062-18 - If electronic archives of cases exist, what are the deployment and usage rates?

This question focuses on the deployment rate and usage rates for the electronic archives of court cases in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of the electronic archive across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as

the ratio between the number of cases for which electronic archive is possible and the total number of archived cases in the reference year.

The **usage rate** should indicate the level of use of the electronic archives across all instances, categories of cases and types of users in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases that were electronically archived and the number of cases for which the electronic archive was possible in the reference year.

Example: A judicial system had a total number of 100 000 archived cases during the reference year. Amongst these 100 000 cases:
50 000 cases were electronically archived.
30 000 cases were archived in paper format, even if the electronic archive was possible.
The remaining 20 000 cases were archived in paper format because electronic archive was not possible.

In this situation:
The **deployment rate** is (50 000 + 30 000) / 100 000 = 80%. Thus, 75-95% shall be selected.
The **usage rate** is 50 000 / (50 000 + 30 000) = 63%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-19 – If an electronic archive of cases exists, please specify the modalities:

As the previous one, this is a question related to the electronic archiving of cases in civil, administrative, and criminal matter and it specifically focusses on the possibility to archive cases electronically, on paper and all the other combinations. There are 3 alternatives in this question, and they are, in principle, mutually exclusive.
Paper archiving is still possible: electronic archiving exists, but paper archiving remains possible, for example in respect of some categories of cases or for some courts.
Paper archiving is not possible anymore (electronic archiving is the only way): for those systems that have only electronic archiving and paper archiving is not possible anymore.
Double archiving (Paper archiving must accompany the electronic one): as stated, this is for systems that require that whenever there is an electronic file of a case, paper file must also be archived, at least partially.
NAP – electronic archiving does not exist yet for the matter concerned.

3.5.3 Tools

In this part, different digital tools used within the judiciary are analysed. Each tool has two questions. The first focuses on the deployment and usage rates for civil, administrative, and criminal matters. In case they use the same system, please answer identically for each matter. The second question focuses on the functionalities of these tools in order to objectively evaluate the level of development of each tool. Based on the answers to both questions, the ICT index is going to be calculated.

CASE MANAGEMENT SYSTEMS

Question 062-20 - If one or more case management system(s) (CMS) exist, what are the deployment and usage rates?

This and the following questions are related to the Case Management System/s as a central tool of each electronic judicial information system which is directly or indirectly linked with other existing tools.
This question focuses on the deployment rate and usage rates for the CMS in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of the CMS across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases that could be managed via the CMS and the total number of cases in the reference year.

The **usage rate** should indicate the level of use of the CMS across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases that were actively managed via the CMS and the total number of cases that could be managed by the CMS in the reference year.
Example: A judicial system has one or several CMSs installed in all courts of first and second instance in the civil matter, while there is no CMS at the final instance.
In case, this system has a total number of 47 000 incoming cases in the civil matter in all instances in one year. Amongst these cases:
40 000 cases are at 1st instance.
6 000 cases are at 2nd instance.
1 000 cases are at the final instance.

In this situation, the deployment rate is (40 000 + 6 000) / 47 000 = 97%. Thus, 95-100% shall be selected.
The usage rate could be identical to the deployment rate if the system is already deployed in these courts for more years and all pending cases are already included in the CMS. However, if the system is more recent and there are some active cases that have not been migrated in the CMS, the situation will be different.
Example: The same system of the example for deployment rate has a total number of 100 000 active cases in the civil matter at all instances at the end of the reference year. Amongst these cases:

80 000 cases are on 1st instance, among which 18 000 insolvency cases were not included in the CMS, and they are handled manually.
18 000 cases are on 2nd instance, among which 2 000 insolvency cases were not included in the CMS, and they are handled manually.
2 000 cases are on the final instance.

In this situation, the usage rate is (80 000 -18 000) + (18 000 – 2 000) / 100 000 = 78%. Thus, 75-95% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-21 - If one or more case management system(s) (CMS) exist in civil and in administrative matters, please specify the functionalities of these system(s):
This question lists some possible functionalities of the Case Management System/s irrespective if there is one or more. In case there is more than one system in civil and administrative matters, please select the functionality in case it is present in most of the systems, or it covers the majority of cases and not in case it is part of a pilot project. Below we describe what the CEPEJ understands behind each of the suggested functionalities: the list cannot be exhaustive, but it includes functionalities considered relevant and important at this point of time. If you consider some other functionality of your system important, please select “Other special functionality” and specify it in the comments. The option NAP must be chosen if a CMS does not exist.

Centralised and/or interoperable CMS databases: this functionality refers to one system that is centralised and includes all cases for the matter concerned or separate systems that are harmonised and can communicate using harmonised classifications, unique identification of cases in different systems of the same instance, easy consolidation of data and statistics for the whole country for the matter concerned etc.
Active case management dashboard includes internal dashboards for daily management of cases used by court presidents and/or judges with visual notifications, early warning signals and other relevant indicators needed to identify actions to be taken. The calendar of scheduled actions could also be included in this dashboard.
Random allocation of cases: by random allocation, means an allotment of a case to a judge done by the system that is not biased or influenced.
Case weighting: to better evaluate the workload of judges as well as to better distribute the cases among judges, the complexity of the case should be measured. This functionality should be chosen in the situation when case weighting is done within the CMS, irrespective if the process is done by the system using the existing parameters of the case or imputed in the system in consultation with a professional.

Identification of a case between instances (unique or linked id number): for the calculation of the duration of a case from its submission to the final decision, a link between the case ID is essential. In case the CMS uses one ID for a case irrespective of the instance, or the IDs at different instances are different, but a link with the previous ID is always available, this functionality should be selected.
Electronic transfer to another instance/court: when a case is submitted to a higher instance, the electronic file of the case is transferred to the competent court. If a complete electronic file is transferred automatically when appealed, this functionality should be selected.
Anonymisation of decisions to be published: it is important to underline here that the question is if the decisions to be published are anonymised within the CMS or if this is done separately. In the case of the first option, the functionality should be selected.
Interoperability with other systems (civil register, tax register, insolvency register): here we are looking for functionality to be able to verify the information from the three main registers directly.
Access to closed/resolved cases: the question is if cases that are finalised are still available for the judges and other users of the system to consult before they are stored in archives for final storage.
Advanced search engine: this functionality of the CMS includes the possibility of finding a case by applying different filters but also by searching specific text that can be found within the case documents.
Protected log files: this functionality refers to the log system that is irreversible, and all actions in the system are registered and cannot be deleted. The logs cannot be altered even by the system administrator.
Electronic signature: this option should be checked if the electronic signature or another method of confirmation of identity is embedded in the CMS.
Other special functionality, **please specify**: in case you consider some other functionality of your system important, please select this option and specify details in the comment.
NAP - CMS does not exist

Question 062-22 - If one or more case management system(s) (CMS) exist in criminal matter, please specify the functionalities of these system(s):
This question lists some possible functionalities of the Case Management System/s irrespective if there is one or more. In case there is more than one system in criminal matter, please select the functionality in case it is present in most of the systems, or it covers the majority of cases and not in case it is part of a pilot project. Below we describe what the CEPEJ understands behind each of the suggested functionalities: the list cannot be exhaustive, but it includes functionalities considered relevant and important at this point of time. If you consider some other functionality of your system important, please select “Other special functionality” and specify it in the comments. The option NAP must be chosen if there is no CMS at all.

Centralised and/or interoperable CMS databases: this functionality refers to one system that is centralised and includes all cases for the matter concerned or separate systems that are harmonised and can communicate using harmonised classifications, unique identification of cases in different systems of the same instance, easy consolidation of data and statistics for the whole country for the matter concerned etc.
Active case management dashboard includes internal dashboards for daily management of cases used by court presidents and/or judges with visual notifications, early warning signals and other relevant indicators needed to identify actions to be taken. The calendar of scheduled actions could also be included in this dashboard.
Random allocation of cases: by random allocation, we mean the allotment of a case to a judge done by the system that is not biased or influenced.
Case weighting: to better evaluate the workload of judges as well as to better distribute the cases among judges, the complexity of the case should be measured. This functionality should be chosen in the situation when case weighting is done within the CMS, irrespective if the process is done by the system using the existing parameters of the case or imputed in the system in consultation with a professional.
Identification of a case between instances (unique or linked id number): for the calculation of the duration of a case from its submission to the final decision, a link between the case ID is essential. In case the CMS uses one ID for a case irrespective of the instance, or the IDs at different instances are different, but a link with the previous ID is always available, this functionality should be selected.
Electronic transfer to another instance/court: when a case is submitted to a higher instance, the electronic file of the case is transferred to the competent court. If a complete electronic file is transferred automatically when appealed, this functionality should be selected.

Anonymisation of decisions to be published: it is important to underline here that the question is if the decisions to be published are anonymised within the CMS or if this is done separately. In the case of the first option, the functionality should be selected.
Interoperability with the prosecution system: this option can be selected in case the CMS is receiving and exchanging electronic information with the prosecution's information system.
Interoperability with other systems (civil register, tax register, insolvency register): here we are looking for functionality to be able to verify the information from the three main registers directly.
Access to closed/resolved cases: the question is if cases that are finalised are still available for the judges and other users of the system to consult before they are stored in archives for final storage.
Advanced search engine: this functionality of the CMS includes the possibility of finding a case by applying different filters but also by searching specific text that can be found within the case documents.
Protected log files: this functionality refers to the log system that is irreversible, and all actions in the system are registered and cannot be deleted. The logs cannot be altered even by the system administrator.
Electronic signature: this option should be checked if the electronic signature or another method of confirmation of identity is embedded in the CMS.
Other special functionality, **please specify**: in case you consider some other functionality of your system important, please select this option and specify details in the comment.
NAP – CMS does not exist

WRITING ASSISTANCE TOOLS

Question 062-23 – If writing assistance tools exist in courts, what are their deployment and usage rates?

This and the following question are related to the writing assistance tools. This first question focuses on the deployment rate and usage rates for the writing assistance tools in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of writing assistance tools across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases that could be processed with the help of writing assistance tools and the total number of cases in the reference year.

The **usage rate** should indicate the level of use of the writing assistance tools across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of cases where writing assistance tools were used and the total number of cases that were or could have been processed with the help of writing assistance tools in the reference year.

Example: Writing assistance tools have been installed in all courts in the civil matter except in two courts where these tools are still not available. This system has 100 000 active cases in the civil matter in all instances in the reference year. Amongst these cases, 30 000 are in the two mentioned courts.

In this situation, the deployment rate is (100 000 – 30 000) / 100 000 = 70%. Thus, 50-75% shall be selected.
For the usage rate, it is more difficult to calculate because we need to know in which situation the available tool was used. Theoretically, in the same example where 70 000 cases could use some writing assistance functions, this was used only in 40 000, then the usage rate is 40 000 / 70 000 = 57%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-24 - If writing assistance tools exist in courts, please describe their functionalities:

This question lists some possible functionalities of the writing assistance tools. In case there is more than one tool, please select all functionalities covered by these tools. Below we describe what the CEPEJ understands behind each of the suggested functionalities: the list cannot be exhaustive but includes functionalities considered relevant and important at this point of time. In case you consider some other functionality of your writing assistance tools

important, please select “Other special functionality” and specify it in the comments. The option NAP must be chosen if there is no writing assistance tool at all.

Templates: this option should be selected in case there are templates for different types of decisions or other procedural documents where the judge or other court staff needs to update certain specific text manually.
Automatic generated text: this option should be selected in case the templates of documents use automatically inserted information from the Case management system and/or generated pre-written paragraphs depending on the case type.
Automatically suggested decision this option should be selected if the system includes a module that based on the available data and existing case law proposes to the judge a decision including the reasoning on a specific case. This modality is included only to identify if some systems decided to include Artificial Intelligence tools in assisting the judge in the process of making the decision.
Speech-to-text: this option should be selected if there is a sophisticated dictation tool that recognises speech and transforms the voice into text.
Electronic signature: this option should be selected in case the document that is prepared within this tool can be signed electronically within this tool.
Other special functionality, please specify: in case you consider some other functionality of your tools important, please select this option and specify details in the comment.
NAP should be selected if there are no writing assistance tools at all for this matter.

RECORDING OF COURT HEARINGS

Question 062-25 - If a tool to record court hearings exist, what are the deployment and usage rates?

This and the following question are related to the tool for recording court hearings. This first question focuses on the deployment rate and usage rate concerning the tool for recording court hearings in civil, administrative, and criminal matters. Please note that when NA or NAP is selected, it will be valued as 0 in the calculation of the ICT index.

The **deployment rate** should indicate the level of availability of tools to record court hearings across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of hearings that could have been recorded and the total number of hearings in the reference year.

The **usage rate** should indicate the level of use of tools to record court hearings across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of hearings that were recorded and the number of hearings that could have been recorded in the reference year.

Example: Hearings could be recorded in all courts in the civil matter except in two courts where this tool is still unavailable. This system has a total number of 10 000 hearings in the civil matter in all instances in the reference year. Amongst these, 1 000 are organised in the two mentioned courts.

In this situation, the deployment rate is (10 000 – 1 000) / 10 000 = 90%. Thus, 75-95% shall be selected.
For the usage rate, we need to calculate how many court hearings were recorded this reference year. In case from the 10 000 court hearings organised in the reference year, 6 000 were recorded, then the usage rate is 6 000 / (10 000 – 1 000) = 67%. Thus, 50-75% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-26 - If a tool to record court hearings exist, please specify its functionalities:
This question lists some possible functionalities of the recording court hearings tool. In case there is more than one tool, please select all functionalities covered by these tools. Below we describe what the CEPEJ understands

behind each of the suggested functionalities: the list cannot be exhaustive, but it includes functionalities that are considered relevant and important at this point of time. In case you consider some other functionality of your recording court hearings tools important, please select “Other special functionality” and specify it in the comments. The option NAP must be chosen if there is no recording court hearings tool at all.
Audio recording: if the audio of the hearing is produced
Video recording: if a video of the hearing is produced
Systematic recording for all hearings: if an audio or video recording is done for all hearings without a need for prior decision for a specific hearing.
Automatically indexed recording: the recorder file created contains meta information (metadata) that indicates who is speaking and when, for easier access to the specific part of the recorded hearing. This could be done by a sophisticated tool that recognises the speaker’s voice or face or with simpler techniques.
Automatic transcript from recording: the transcripts are automatically produced by the tool from the recording during or after the hearing.
Possibility to request a copy of the recording: this possibility refers to the right of the parties to request a copy of the recording for their use.
Other special functionality, **please specify:** in case you consider some other functionality of your tools important, please select this option and specify details in the comment.
NAP - there is no tool for recording hearings

DATABASE OF COURT DECISIONS

Question 062-27 - If there is a national database of court decisions, please provide the percentage of the decisions published at each instance.

This and the following questions are related to the database of court decisions. This first question focuses on the percentage of decisions that were published on each instance and for each matter.

Example: In first instance in the civil matter, the total number of finalised cases is 10 000 in the reference year.

4 000 of the finalised decisions were published in the database of court decisions.
3 000 were not published, even if the publication was technically and/or legally possible for these cases.
2 000 were not published due to the unavailability of technical tool.
1 000 were not published because publication in the database of court decisions was possible due to legal restrictions (for example, sensitive cases that, according to law, should not be published).

In this situation,
the deployment rate is (4 000 + 3 000 + 1 000) / 10 000 = 80%. Thus, 75-95% shall be selected.
the usage rate is 4 000 / (4 000 + 3 000 + 1 000) = 50%. Thus, 25-50% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.
Question 062-28 – If there is a national database of court decisions, please specify the modalities in publishing these decisions:
This question focuses on how a decision is published and whether it is available for public or internal use. The question is divided by matter and by instance.

Published online (public website): it refers to the published court decisions on public internet sites accessible to everyone with or without registration, with or without a fee.
Published in an internal database: it refers to internally published court decisions within court networks/intranet, accessible to judges and non-judge staff and eventually to some other professionals like prosecutors and/or lawyers.
Other: in case the above does not apply, and the court decisions are published online in some way, please check this option and describe in the comment your situation.
NAP is equivalent to “There is no database for these decisions” in specific matter and instance.

Question 062-29 - If there is a database of court decisions at national level, what are the functionalities of this database?

This question lists some possible functionalities of the centralised national database of court decisions. In case there is more than one database, please select all functionalities covered by these databases in case they are available for most and not only as an exception. Below we describe what the CEPEJ understands behind each of the suggested functionalities: the list cannot be exhaustive, but it includes functionalities considered relevant and important at this point. In case you consider some other functionality of your national database of court decisions important, please select "Other" and specify in the comments. The option NAP must be chosen if there is no national database of court decisions at all.

Automatic anonymisation: in case an anonymised decision is automatically generated by the CMS or other tool accessing CMS

Manual anonymisation: in case each decision is manually anonymised before being published.

Free online access: in case the database of court decisions is available publicly and access to this database is free of charge.

Link with the case law of the European Court of Human Rights (ECHR): if the decisions registered in the database have hyperlinks whit reference to the ECHR judgements in HUDOC database.

Open data: according to the CEPEJ "European Ethical Charter on the use of artificial intelligence in judicial systems and their environment", the term "open data" refers to making structured databases available for public download. These data can be inexpensively re-used subject to the terms of a specific licence, which can, in particular, stipulate or prohibit certain purposes of re-use. Open data should not be confused with unitary public information available on websites where the entire database cannot be downloaded. Open data do not replace the mandatory publication of specific administrative or judicial decisions or measures already laid down by certain laws or regulations.

Advanced search engine: this feature includes, apart from the filters that preselect the cases, also free text search that finds a case including certain text.

Machine-readable content: this suggests that the data could be downloaded in a format that is readable and understandable by a machine to be further analysed. Decisions are not in the form of pictures/images and formats that do not allow text access but only view.

Structured content: different from the filters, this feature is selected if in your CMS the body of the decisions has a standard structure (defined by law or by practice), meaning if it respects a division in specific sections (e.g., parties, facts, decision, etc.) or different sort of pre-defined sequencing.

Metadata: this functionality should be selected asks if information about the data are available; they can be either embedded in the file or in a separate file that can be downloaded. Metadata is in a format using a specific vocabulary in order to be machine readable.

European Case Law Identifier (ECLI): This functionality should be selected if the cases presented in the database of court decisions contain ECLI identifier. ECLI is the standard that has been developed by the European Union to facilitate the correct and unequivocal citation of judgments from European and national courts (see)

Other special functionality, **please specify:** in case you consider some other functionality of your databases of court decisions important, please select this option and specify details in the comment.

NAP – there is no database of court decisions for the matter concerned

STATISTICAL TOOLS

Question 062-30 - If there are statistical tools for analysing court case data, what is their deployment rate?

This and the following question are related to the statistical tools for analysing data on court cases, usually integrated or connected with the Case Management System. This first question focuses on the deployment rate of this tool/s.

The **deployment rate** should indicate the level of availability of statistical tools for analysing court case data across all instances and categories of cases in each matter (civil, criminal, and administrative). It should be calculated as the ratio between the number of active cases that are electronically retrievable by the statistical tools and the total number of cases in the reference year.

Example: In a judicial system in the civil matter, the statistical tool is deployed at first instance only, and it is not available at the second and the final instances. In this system, there are 100 000 cases in the CMS in the civil matter in all instances in one year. Furthermore:
80 000 cases are at 1st instance.
18 000 cases are at 2nd instance.
2 000 cases are at the final instance.

In this situation, the deployment rate is 80 000 / 100 000 = 80%. Thus, 75-95% shall be selected.

If the calculation methodology described in the example above is not applicable to your system, your best free estimate of the rate could be used instead. In this case, please explain in the comment your method of calculation/estimation of these indicators.

Question 062-31 - If there are statistical tools for analysing court case data, please describe their functionalities and the data available for statistical analysis:

This question focuses on functionalities of the statistical tool(s) and the data available for statistical analysis.
In case there is more than one tool, please select all functionalities and the data available covered by these tools in case they are available for most courts and not only as an exception.
Below we describe what the CEPEJ understands behind each of the suggested functionalities: the list cannot be exhaustive, but it includes functionalities that are considered relevant and important at this point of time. In case you consider some other functionality of your statistical tools for analysing data on court cases important, please select “Other” and specify in the comments. The option NAP must be chosen if there are no statistical tools.

Functionalities:

Integration/connection with the CMS: CMS is the main source of statistical data for analysis of the work of the courts. This column refers to the level of integration with CMS and the possibility of extracting and analysing data in real time.
Business intelligence software: refers to means, tools and methods allowing collecting, consolidating, modelling and presenting/visualising the data of an organisation, in this case, court/s. It aims at offering to the court president or a court manager an overview of the activities, by cross analysing data from different databases and providing information for fact-based decision-making.
Generation of predefined statistical reports: if there are pre-defined reports that are required on a regular basis already available in the system
Generation of customised statistical reports: if there are possibilities to create a tailored report using all available data of the system and on an ad hoc basis.
Internal page and/or dashboard: if the data/information for the court presidents and/or judges are available in dashboard format for the full overview of the case flow at every point of time.
External page with statistics (public website): if different statistical overviews/dashboards are regularly available for the general public.
Real-time data availability: if data in the statistical system are available immediately or after a certain time delay of not more than one day
Automatic consolidation of data at the national level: the question here is if the data of different courts can be automatically consolidated to be shown as statistics on a national level. This is considered as such in case the system is centralised, and all national case flow data are accessible for the system, or in case of a decentralised system, data is automatically unloadable on a regular, frequent basis.
Other special functionality, **please specify:** in case you consider some other functionality of your tools important, please select this and specify details in the comment.
NAP – there are no statistical tools for this matter

Data available:
Case flow data (number of incoming, resolved, pending): this modality should be selected if the system is collecting and analysing basic case-flow data at different aggregate level (by court, by judge, by type of case)
Age of a pending case: this modality should be selected if the system is able to calculate the age (elapsed time from the case-filing date) of each pending case as well as the average

Length of the proceedings: this modality should be selected if the system is able to calculate the length of each resolved case (elapsed time from the case-filing date to the final decision date) as well as the average
Number of hearings: this modality should be selected if the system is able to calculate the total number of hearings that took place in a defined period and/or the number of hearings for each case.
Cases per judge: this modality should be selected if the system is able to calculate the number of incoming cases and the number of resolved cases for each judge in a defined period and as an average
Case weights: this modality should be selected if the system is able to calculate a weight (related to the complexity of the case) for each case in order to prepare statistics on the distribution of cases by case complexity
Number of parties in a case: this modality should be selected if the system is able to calculate the number of parties in each case
Indicator of appeal: this modality should be selected if the system is able to identify if a case is appealed to the higher instance and can provide the ratio of appealed cases in a defined period of time
Result of the appeal: this modality should be selected if the system is able to identify the outcome of the appeal in order to provide statistics by the outcome of the appeal
NAP – there are no statistical tools for this matter

OTHER TOOLS

Questions 062-32, 062-33, 062-34
Some legal systems provide for the possibility of resolving certain types of disputes online. The objective of the following questions is to identify these possibilities as well as their possible limitations concerning the amount of the dispute or for example its field of application.
Question 062-32 – Is there any application for online court-related dispute resolution?

The purpose of this question is to measure the extent of this possibility in the judicial systems through the existence of an application dedicated to this form of dispute resolutions, that are fully automatised and available online and require minimum human intervention, for example, in respect of low-value litigation, undisputed claims, preparatory phases to the resolution of family conflicts, etc.

Question 062-33 - If yes, is there a maximum value over which online court-related dispute resolution cannot be organised?
If you have answered “Yes” to the previous question, please indicate in your answer to this question if a limitation related to the value of the dispute in question exists. If this is the case, please indicate this maximum value of the dispute, beyond which online dispute resolution is not possible. For example, if the system is available for low-value litigation, please insert the maximum value in Euros for which the system can be used. If the value is different for each type of litigation for which an online application exists, please specify the highest value, and describe the others in the comments.
Question 062-34 - If yes, can the online court-related dispute resolution be used in the following areas:

If you have answered “Yes” to question 62-32, please indicate in your answer to this question for which types of litigations online resolution could be organised within the existing applications.
Question 062-35 - Is there a computerised national record centralising all criminal convictions?

Question 062-36 - If yes, please specify the following information:

These two questions focus only on the existence of a digital register for criminal convictions and its modalities.

Question 062-37 - Is there a Document Management System (DMS) in the registry of courts?
By document management system (DMS), we usually understand a computerised system used to store, share, track and manage files or documents. Some systems include history tracking, where a log of the various versions created and modified by different users is recorded. Please reply “Yes” to this question in case your courts also have a system of this type, different from the Case Management System that exists only for processing and managing court cases, while the DMS includes all other documentation managed in courts.
In case the answer is “Yes”, please provide some details on this system.

Question 062-38 - In addition to the tools listed in the ICT section of this questionnaire does your judicial system use other innovative ICT tools?
The tools specified in this questionnaire cannot be exhaustive but still include tools that are considered relevant, important, and available in most of the European countries at this point of time. In case you have some other digital tool in your judicial system that you consider innovative and worth mentioning, please describe it. Identifying other innovative digital tools within the judiciary will help update the evaluation of the ICT systems in future and identify new developments.

3.6 Performance and evaluation

3.6.1 National policies applied in courts / public prosecution services

Various court activities (including work of individual judges and court staff) are nowadays subject, in numerous countries, to monitoring and evaluation systems.

The *monitoring system* aims to assess the day-to-day activity of the courts and public prosecution services, and namely the performance of courts, thanks in particular to data collections and statistical analysis.

The *evaluation system* refers to the performance of the court systems with prospective concerns, using indicators and targets. This evaluation can have a more qualitative nature.

Questions 66 and 67

It is important to identify the countries who have implemented at a national level a quality systems in courts (for example in the Netherlands (rechtspraaQ) and in Finland (Court of appeal of Rovaniemi) and to see if specialised staff working in the courts are also specifically responsible for the quality policy within courts (whether or not it is solely responsible).

When a system/policy exists, but it is not set up on national level, or there are several different systems/policies (e.g., at different courts) the answer should be “No” and the situation should be explained in the comment.

General quality standards/policies (e.g., quality of public services, archiving of documents etc.) should be considered only when applying directly to the work of courts.

For the purpose of this question, a system based exclusively on monitoring the efficiency of work of courts (e.g., monitoring the number of cases, duration of cases etc.) should not be considered as a quality management system.

See also the documents of the CEPEJ concerning court quality such as for example the Checklist for promoting the quality of justice and the courts (CEPEJ(2008)2) or the document Measuring the quality of justice (CEPEJ(2016)12).

Question 66 – Are quality standards determined for the judicial system at national level (are there quality systems for the judiciary and/or judicial quality policies)?

If yes, please add for example who is responsible for setting the standards and what are the details (content, scope) of the standards (e.g., standards for reasoning of decisions).

Question 67 – Do you have specialised personnel entrusted with implementation of these national level quality standards?

In context of this question “personnel” should be understood as either judges or court staff, responsible for implementing and/or monitoring the national level quality standards.

In the comment, please explain briefly their tasks and responsibilities.

3.6.2 Measuring court/public prosecution services activity trough performance and quality objectives

Questions 70 to 81-5

The aim of questions 70 to 81-5 is to be able to reflect the situation in your country regarding the implementation of performance monitoring tools and evaluation of all courts and public prosecution services. Therefore, if such tools are implemented, for example, in just one or several (pilot) courts, please answer “No”. You can explain the situation in your country and the projects that are carried out in the comment.

Question 70 – Do you regularly monitor court activities (performance and quality) concerning
Question 70-1 – Do you regularly monitor public prosecution activities (performance and quality) concerning

These questions aim to examine whether there are any performance and quality indicators set/agreed upon for regular monitoring of court and public prosecution activities.

You may select several options when answering these questions. If you select "other", please specify in comment what are the other monitored activities.

For explanation on **Number of incoming, resolved and pending cases,** please see the Explanatory note on questions 91 to 107.

Length of proceedings (timeframes) means either monitoring the duration of proceedings from the beginning (e.g., average duration of resolved cases or average age of pending cases), or according to set timeframes (e.g., number or percentage of cases older than X months).

Backlogs – are pending cases which have not been resolved within an established timeframe. For example, if the timeframe has been set at 24 months for all the civil proceedings, the backlog is the number of pending cases that are older than 24 months.

Productivity of judges and court staff refers to monitoring the extent of work done (e.g., number of resolved cases per judge or per department).

Satisfaction of court staff and satisfaction of users refers to the evaluation of the level of satisfaction among those groups. This can be measured for example by surveys (see question 38).

Costs of the judicial procedures refers to monitoring the overall budget (or some aspects of the budget) regarding judicial procedures (e.g., costs of justice expenses per case).

Number of appeals refers to number of all cases, where the appeal against a court decision had been lodged within the reference year.

Appeal ratio can be calculated for example by dividing the number of all resolved cases, with the number of all cases where appeal was filed, or by dividing the number of all resolved cases where the appeal was filed, with the number of cases where appeal was successful or unsuccessful (in some systems the information on successful appeal can be unreliable due to the different reasons for which the decision can be changed at the higher instance or remanded/reversed/quashed to the first instance).

Clearance rate (CR) - ratio obtained by dividing the number of resolved cases by the number of incoming cases in a given period, expressed as a percentage:

$$Clearance\ Rate\ (\%) = \frac{Resolved\ cases\ in\ a\ period}{Incoming\ cases\ in\ \ a\ period} \times 100$$

A Clearance Rate equal to 100 % indicates the ability of the court or of a judicial system to resolve as many cases as the number of incoming cases within the given time period. A Clearance Rate above 100 % indicates the ability of the system to resolve more cases than those received. Finally, a Clearance Rate below 100 % appears when the number of incoming cases is higher than the number of resolved cases. In this case the number of pending cases will increase.

Essentially, the Clearance Rate shows how the court or judicial system is coping with the in-flow of cases.

Disposition time - ratio between pending cases and resolved cases (in days). It is the calculated time necessary for a pending case to be resolved, considering the current pace of work of courts.

$$Calculated\ Disposition\ Time = \frac{Number\ of\ pending\ cases\ at\ the\ end\ of\ a\ period}{Number\ of\ resolved\ cases\ in\ \ a\ period} \times 365$$

Percentage of convictions and acquittals (question 70-1) – can be calculated from the number of the cases ending with the conviction and the number of cases ending with the acquittal of the defendant.

Question 71 – Do you monitor the number of pending cases and cases that are not processed within a reasonable timeframe (backlogs) for

The purpose of this question is to see whether the number of pending cases and the backlogs are monitored.

Pending cases are cases which remain to be resolved at a given point in time (e.g., 31 December). Backlogs are pending cases which have not been resolved within an established timeframe.

Please give details concerning measuring the number of pending cases and backlogs in your system.

Question 72 – Do you monitor waiting time during judicial proceedings?

The purpose of this question is to see whether additional information on timeline of the proceedings is monitored. This information is important to promote active management of work of courts/public prosecution services, as well as to prevent unnecessary delays in proceedings.

Waiting time should be understood as time during which nothing happens in a procedure (for instance because the judge is waiting for an expert's report). It is not the general length of the procedure.

Question 73 – Do you have a system to evaluate regularly court performance based on the monitored indicators of question 70?
Question 73-0 – If yes, please specify the frequency
Question 73-1 – Is this evaluation of the court activity used for the later allocation of resources within this court?
Question 73-2 – If yes, which courses of action are taken (multiple replies possible)?
Question 73-3 – Do you have a system to evaluate regularly the performance of the public prosecution services based on the monitored indicators of question 70-1?
Question 73-4 – If yes, please specify the frequency
Question 73-5 – Is this evaluation of the activity of public prosecution services used for the later allocation of resources within this public prosecution service?
Question 73-6 – If yes, which courses of action are taken (multiple replies possible)?

The regular evaluation refers to monitoring and review of indicators in questions 70 and 70-1) at the level of individual courts/public prosecution office.

Question 79 – Who is responsible for evaluating the performance of the courts (multiple replies possible)
Question 79-1 – Who is responsible for evaluating the performance of the public prosecution services (multiple replies possible)

The purpose of these questions is to indicate the persons/institutions responsible for evaluation of the performance. Several answers are possible for this question. If "other", please specify in the comment.

If more than one answer is given, please explain the procedure of evaluation.

3.6.3 Information regarding courts /public prosecution services activity

Question 80 – Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts?
Question 80-1 – Are the statistics on the functioning of each court published
Question 80-2 – Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the public prosecution services?
Question 80-3 – Are the statistics on the functioning of each public prosecution service published?
Question 81 – Are individual courts required to prepare an activity report (that includes, for example, data on the number of resolved cases or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?
Question 81-1 – If yes, please specify in which form this report is released
Question 81-2 – If yes, please, indicate the periodicity at which the report is released
Question 81-3 – Are public prosecution services required to prepare an activity report (that includes, for example, data on the number of incoming cases, the number of decisions, the number of public prosecutors and administrative staff, targets and assessment of the activity)?
Question 81-4 – If yes, please specify in which form this report is released
Question 81-5 – If yes, please, indicate the periodicity at which the report is released

Questions 80 to 81-2 aim to establish if the final statistics and annual reports of activities concerning each court and public prosecution service are available to the public via the internet and at which frequency. This gives an idea of the degree of transparency of each court and public prosecution service.

Questions 80 to 80-3

If this centralised institution is the same for both courts and prosecution, the answer should be YES at both questions 80 and question 80-2.

These questions do not regard the monitoring of data on performance of courts for purposes of court management.

3.6.4 Performance and evaluation of judges and public prosecutors

Question 83 – Are there quantitative performance targets defined for each judge (e.g. the number of resolved cases in a month or year)?
Question 83-1 – Who is responsible for setting these targets for each judge?
Question 83-1-1 – What are the consequences for a judge if these targets are not met?
Question 83-2 – Are there quantitative performance targets defined for each public prosecutor (e.g., the number of decisions in a month or year)?
Question 83-3 – Who is responsible for setting these targets for each public prosecutor
Question 83-3-1 – What are the consequences for a prosecutor if these targets are not met?

These questions address only the quantitative targets to measure the individual work of each judge/prosecutor, participating in the work of the whole court/public prosecution services, e.g. a defined number of cases to be resolved per month or per year. If other than quantitative targets are defined for judges/prosecutors, please select “No” in questions 83 and 83-2, and explain the situation in the comment.

Question 83-1-1

In this question, you should indicate which consequences are envisaged in your system if a judge does not meet quantitative performance targets. These consequences are divided into two groups, depending on whether or not they result from the conduct of disciplinary proceedings.

“Warning by court’s president” should include all measures that represent an official warning of a court president (for example in a form of a note kept in the judge’s file) but have no other immediate and direct consequences for the judge concerned.

“Temporary salary reduction” can be imposed as a consequence in some legal systems. This option should be also selected in a situation when bonuses or other financial benefits of a judge are terminated even though his/her basic salary was not reduced.

“Reflected in the individual assessment” should be selected whenever non-fulfilment of quantitative performance targets is taken into account and affects the individual assessment of the judge concerned (e.g., by lowering a grade given in the assessment).

If some other consequences are possible, please select “Other” and specify them in the comment.

Question 83-3-1

In this question, you should indicate which consequences are envisaged in your system if a public prosecutor does not meet quantitative performance targets. These consequences are divided into two groups, depending on whether or not they result from the conduct of disciplinary proceedings.

“Warning by head of prosecution” should include all measures that represent an official warning of a head of prosecution (for example in a note kept in the public prosecutor’s file) but have no other immediate and direct consequences for the public prosecutor concerned.

“Temporary salary reduction” can be imposed as a consequence in some legal systems. This option should be also selected in a situation when bonuses or other financial benefits of a public prosecutor are revoked even though his/her basic salary was not reduced.

“Reflected in the individual assessment” should be selected whenever non-fulfilment of quantitative performance targets is taken into account and affects the individual assessment of a public prosecutor (e.g., by lowering a grade given in the assessment).

If some other consequences are possible, please select “Other” and specify them in the comment.

Question 114 – Is there a system of individual evaluation of the judges’ work?
Question 114-1 – Please specify the frequency of this evaluation
Question 120 – Is there a system of individual evaluation of the public prosecutors’ work?
Question 120-1 – Please specify the frequency of this evaluation

These questions are aimed at finding out more about the systems of individual assessment of the work of judges and public prosecutors. Namely, you should indicate if in your country the assessment/evaluation procedure is based on quantitative, qualitative or both types of criteria. In addition, you are invited to indicate in the comment more specifically what exact criteria are being used, the authority responsible for carrying out the individual assessment of each judge/public prosecutor, and the purposes for which the assessment results are used (do they affect the judge/prosecutor’s career and how, can they result in disciplinary proceedings, etc.).

Please also indicate the frequency of the assessment procedure, especially if the assessment periods differ depending on the career progress.

4. Fair trial

4.1 Principles

4.1.1 Principles of fair trial

Question 84 – Percentage of first instance criminal *in absentia* judgments (cases in which the suspect is not attending the hearing in person nor is represented by a lawyer)?

Question 84 refers to situations in which a judgment is given without effective defence during a court hearing. This may occur – in some judicial systems – when a suspect has absconded or does not show up for trial and is not represented by lawyer during the court session. The aim of this question is to find out if the right to an adversarial trial is respected, in particular in criminal cases at first instance.

The right to an adversarial trial means the opportunity for the parties to have knowledge of and comment on the observations filed or evidence adduced by the other party (see amongst others Ruiz-Mateos vs. Spain, judgment of the European Court of Human Rights of 23 June 1993, Series A no. 262, p.25, para. 63).

Question 85 – Is there a procedure to effectively challenge a judge (recusal), if a party considers that the judge is not impartial?

This question aims to provide information on procedures which ensure guarantees for the respect of the court users' fundamental right to an impartial judge, in accordance with Article 6 of the European Convention on Human Rights.

Question 85-1 – If yes, what are

If you answered Yes in the question 85, please indicate separately the total number of initiated recusal procedures and the total number of recusals pronounced within the reference year.

The numbers in these questions, both initiated procedures and recusals pronounced, should relate only to the recusal procedures initiated by the parties and exclude procedures in which a judge recused himself/herself.

Questions 86 – Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

Question 86 concerns the monitoring system implemented in a State after the European Court of Human Rights has recognised a violation by the State related to Article 6 of the European Convention on Human Rights, specifying civil (including commercial and administrative law cases) and criminal cases.

European Convention on Human Rights – Article 6 – Right to a fair trial

> *In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice*

This monitoring system can consist of actions such as: recognising violations at state and/or court levels (for example the implementation of a condemnations dashboard), actively informing on violations on national or court level, implementation of an internal system to remedy the established violation (for example the setting up of a review procedure – see question 86-1), the implementation of internal systems to prevent other violations that are

similar (for example the establishment of an effective remedy), measuring the evolution of the established violations etc.

For observer States, the answer is NAP.

Questions 86-1 – Is there in your country a possibility to review/reopen a case after a finding of a violation of the European Convention on Human Rights by the European Court of Human Rights?

The purpose of this question is to examine if there is a possibility under domestic legislation to review/reopen a particular case after the European Court of Human Rights found a violation of the European Convention on Human Rights in that case. Furthermore, the replies to this question should indicate if there are differences in this regard between three different areas of law: criminal, civil and administrative.

Please provide more details in the comment.

4.2 Timeframes of proceedings

4.2.1 General information

Question 87 – Are there specific procedures for urgent matters regarding

Such a *procedure for urgent cases* (accelerated) can be used in order for the judge to take a provisional decision (e.g., decision on the right to control and care for a child) or when it is necessary to preserve evidence or when there is a risk of imminent or hardly repairable damages (for instance emergency interim proceedings). Its main aim is to accelerate the procedure (e.g., simplified steps of the procedure, priority case is moved up in the line of waiting cases) due to the importance of the matter in question. Simplified procedures regarding non-urgent issues should not be regarded here (see question 88).

Question 88 – Are there simplified procedures for
Question 88-1 – For these simplified procedures, may judges deliver an oral judgement with a written order and without the full reasoning of the judgement?

Small disputes in civil cases can refer to small claims (a simplified procedure designed for the resolution of claims of limited value as defined by law) or issue of lower complexity (facts, legal questions). Such a *simplified procedure* can be used for instance when it concerns the enforcement of a simple obligation (e.g., payment order).

For criminal matters, the question aims to know whether petty offences (for instance minor traffic offences or shoplifting) can be processed through administrative or simplified procedures. These offences are considered as subject to sanctions of criminal nature by the European Court of Human Rights and shall therefore be processed in respect of the subsequent procedural rights.

Question 88-1 aims to establish how the requirement to reason the judgements is put into practice when a simplified procedure is used (see article 6-1 European Convention on Human Rights).

Question 89 – Do courts and lawyers have the possibility to conclude agreements on arrangements for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions etc.)?

As of 2024 cycle (2022 data), the scope of this question is extended to cover the scope of previous questions 82-1 and 89.

This question refers to agreements between parties, their representatives (lawyers) and the courts in order to facilitate the processing of cases, improve communication between the main actors of the proceeding and reduce length of proceedings. The reply should reflect both agreements on a general level that are applicable to all cases (for example communication between parties and court, on-call service for urgent cases, administrative questions

etc.) and agreements that are reached in individual cases (for example to set the dates of hearings, define ways in which documents will be exchanged, agree on time-limits, etc.).

4.2.2 Case flow management - first instance

4.2.3 Case flow management – second instance

4.2.4 Case flow management – Supreme Court

4.2.5 Case flow management and timeframes – specific cases

4.2.6 Case flow management – public prosecution

Questions 91 to 109

The national correspondents are invited to pay special attention to the quality of the answers to questions 91 to 102 regarding case flow management and length of judicial proceedings.

Member States are asked to provide information on the **caseload of the courts** (from first instance courts to the highest instance courts).

A court case is a request (issue or problem), submitted to court, to be resolved by the court within its competence (i.e., jurisdiction). A court case is usually registered separately in the court case register according to the state rules. Court cases typically end with a decision on rights and obligations of parties (e.g., in civil matters) or with a decision on guilt of the defendants (e.g., in criminal matters). Other acts in court jurisdiction as provided by state rules (e.g., registering in land and business registry) should also be counted as court cases. **On the other hand,** administrative tasks in courts such as issuing criminal records certificates, document certification etc. should not be considered as incoming/resolved court cases for the purpose of these questions.

In principle, when one actual and legal situation is regarded in the national system as more than one court case because stages (phases) of proceedings are registered as separate court cases, this should be reported as one case only.

Note: Other procedures related to court cases are within the jurisdiction of courts in some systems, while in others they are not (e.g., criminal investigation can be a procedure at the office of the public prosecutor or in court, civil enforcement can be executed by enforcement agents or by courts). Such procedures can be reported as separate cases when they: 1) are in the jurisdiction of courts; 2) can be distinguished from the main trial phase by different actual or legal questions to be resolved: and 3) represent more than just an administrative task to complement the main trial phase. For example, if another procedure in court is required for civil enforcement, after the “main” civil case has already been adjudicated, and the court deals with different questions (e.g., should the enforcement be allowed or not), these two procedures can be reported as two separate cases. If you have situations like this in your system, please give details in the comments.

Incoming cases in the reference year are all cases submitted to court (first instance, second instance or Supreme Court) for the first time. Cases which have already been submitted to a court at the same instance level (after an appeal for example) should be counted again.

Pending cases are cases which have not been completed at the beginning or at the end of the reference year. Please provide both the number of pending cases on 1 January of the reference year and the pending cases on 31 December of the reference year.

Resolved cases include all the procedures which have come to an end at the instance level (first instance, appeal or Supreme Court as applicable) during the year of reference, either through a judgment or through any other decision which ended the procedure (provisional decisions or procedural decisions not ending the case (e.g., on parties, perfection of the claims, allowing or disallowing the evidence, expenses etc.) should not be counted here).

Pending cases older than 2 years are pending cases (on 31st December of the reference year) that had first arrived at the court more than 2 years ago (i.e., before 1st January of Ref. year -1). This answer regards only the current instance (e.g., for pending cases at second instance from arrival to second instance only).

Question 91 – First instance courts: number of other than criminal law cases
Question 97 – Second instance courts (appeal): Number of "other than criminal law" cases
Question 99 – Highest instance courts (Supreme court): Number of "other than criminal law" cases

Litigious cases **are cases for which the judge decides on disputed case whereas** ***non-litigious (non-contentious) cases*** **are other issues in competence of courts (typically, there is no direct dispute between parties).** The latter can be for example registration cases (e.g., land registry), where a decision can be taken either by a judge or by another person (e.g., Rechtspfleger).

As referred to in question 99, Supreme Courts belong to 3rd instance courts.

Categories included in "other than criminal law cases"

1. ***Litigious civil (and commercial) cases*** are for instance litigious divorce cases or disputes regarding contracts. In some countries *commercial cases* are addressed by special commercial courts, whilst in other countries these cases are handled by ordinary (civil) courts. Bankruptcy proceedings must be understood as litigious proceedings. Despite the organisational differences between countries in this respect, all the information concerning civil and commercial cases should be included in the same category. If appropriate, litigious civil (and commercial) cases do not include administrative law cases (see category 3). Any other type of litigious cases (e.g., judicial appeal against deeds processed by an enforcement agent) is included in this category.

2.1 ***General non-litigious civil (and commercial) cases*** concern court cases that are decided in a specific procedure that does not require two or more opposing parties to prove their rights and claims (there is no dispute between parties). For example, this includes uncontested payment orders, request for a change of name, cases related to enforcement (when non categorised as litigious – see above), divorce cases with mutual consent (for some legal systems), etc. A type of cases should be considered non-litigious even when the court is required to conduct a substantive examination of evidence, as long as there is no examination of claims and evidence from two or more opposing parties within the same procedure. **If courts deal with such cases, please indicate the different case types included.** Non-contentious register cases (2.2) and/or other non-litigious cases (2.3) are excluded from this category.

2.2 (including 2.2.1, 2.2.2 and 2.2.3) In certain member states, *registration tasks (business registers and land registers)* are dealt with by special units or entities of the courts. These are to be considered as non-litigious civil cases. Activities related to business registers could be the registration of new businesses or companies in the business register of the court or the modification of the legal status of a company. Changes in the ownership of immovable goods (like land or houses) may be a part of court activities which are related to the land register.

3. ***Administrative law cases*** (litigious or non-litigious) concern disputes between citizens and (local, regional or national) authorities, for instance: asylum refusals or refusals of construction permit applications. Administrative cases are considered only if processed in court and not when it is only an issue under any administrative body. Administrative law cases are in some countries addressed by special administrative courts or tribunals, whilst in other countries they are handled by the ordinary civil courts. **If countries have special administrative courts/tribunals or separate administrative law procedures or are anyway able to distinguish between administrative law cases and civil law cases, these figures should be indicated separately under "administrative law cases"**.

4. The category "***other***" can be related to other types of cases (not corresponding to the categories above) They can include for example legal aid cases, simplified procedures that can continue as civil etc. Administrative tasks in courts such as issuing criminal records certificates; document certification etc. should not be reported.

Please check that your figures are *vertically* consistent (see general remarks).

With regard to questions 91, 94, 97, 98, 99, 100, 101, 101-0 and 101-2 a special formula for horizontal consistency applies:

(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

Question 94 – First instance courts: number of criminal law cases
Question 98 – Second instance courts (appeal): Number of criminal law cases
Question 100 – Highest instance courts (Supreme Court): Number of criminal law cases

Criminal law cases: Are considered here as ***criminal cases*****, all cases for which a sanction may be imposed by a judge**, even if this sanction is foreseen, in some national systems, in an administrative code (e.g., fines or community service). These can include, for example, some anti-social behaviour, nuisance or some traffic offenses.

Warning: if these cases are included in the responses to questions 94, 98 and 100, then they should not be counted a second time as "administrative cases" in the responses to questions 91, 97 and 99.

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

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

Other criminal cases are an exception to the general definition of criminal cases, as this category of cases usually includes procedures in which sanction may not be imposed (such as criminal investigation, enforcement of criminal sanctions etc.). This category of cases should help better measure the actual workload of judges as it should include all different procedures handled by judges before or after the main trial. It should be noted that depending on a national legislation, these procedures might be within the jurisdiction of courts in some systems, while in others they are conducted by other bodies (e.g., the criminal investigation can be a procedure conducted by public prosecutor offices or courts). Only when such procedures are in the jurisdiction of courts they can be reported as “Other criminal cases”, regardless of the fact that the main case is already reported as a severe or misdemeanour case.

This category could also include other procedures related to criminal cases, such as some cases of enforcement of criminal sanctions (e.g., collection of fines, the change of monetary sanction to imprisonment). Please give details in the comments.

Note: The administrative tasks related to the “main” trial phase should not be reported as separate case in “other cases” or in any other category (as they are only a phase of the main criminal proceeding).

Please check that your figures are *horizontally* and *vertically* consistent *(*the total of the criminal cases includes the cases of categories 1, 2 and 3) (see general remarks). If appropriate, please don’t forget to comment on the specific situation in your country (including answers NA and the calculation of the total of criminal law cases).

Question 99-1 – At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

A manifestly inadmissible case is a case where the facts have not yet been examined and which is refused immediately following a simplified procedure, generally presided by a single judge, because the claimant has not respected a mandatory rule of procedure and therefore loses his/her right to bring an action before the judge (for

example if s/he has not paid a fee or if s/he has not provided all the documents necessary in due time or if the same legal question has already been resolved by this court).

This question regards the check of the application (appeal/review) to be processed at the highest court. The meeting of the mandatory rules can be checked either at the highest court or any other body (e.g., when filing an application through the first instance court).

Question 101 – Number of specific litigious cases received and processed by first instance courts
Question 101-0 – Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts
Question 101-2 – Number of cases relating to child sexual abuse and child pornography received and processed by first instance courts

Please check that your figures are *vertically* consistent (see general remarks).

With regard to questions 91, 94, 97, 98, 99, 100, 101, 101-0 and 101-2 a special formula for horizontal consistency applies:

(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

The **five case categories**, which are (mostly) common in Europe, can be defined as follows:

1. ***Litigious divorce case*****:** i.e., the dissolution of a marriage contract between two persons, following a judgment of a competent court. The data should not include: divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (procedure of mutual consent, even if they are processed by the competent court) or ruled through an administrative procedure. If your country has a totally non-judicial procedure as regards divorce or if you cannot isolate data concerning adversarial divorces, please specify it and give the subsequent explanations. Furthermore, as regards divorce, if there are in your country compulsory mediation procedures or fixed timeframes for reflection or if the conciliation phase is excluded from the judicial proceeding, please specify it and give the subsequent explanations.

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

3. ***Insolvency*****:** Legal status of a person or an organisation that cannot repay the debts owed to creditors. Data should encompass bankruptcy declaration by a court, as well as all procedures connected with bankruptcy (recovery of credits, liquidation of assets, payment of creditors, etc.).

4. ***Robbery*** concerns stealing from a person with force or threat of force. If possible, these figures should *include* muggings (bag-snatching, armed theft, etc.) and *exclude* pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the robbery is either the only offence concerned or the main offence concerned in the case. If courts are competent for both pretrial (e.g., investigation) and trial stages, only trial stages should be counted for the purposes of this question.

5. ***Intentional homicide*** is defined as the intentional killing of a person. Where possible the figures should *include* assaults leading to death, euthanasia, infanticide and *exclude* suicide assistance (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the intentional homicide is either the only offence concerned or the main offence concerned in the case. If courts are competent for both pretrial (e.g. investigation) and trial stages, only trial stages should be counted for the purposes of this question.

Question 101-0

This question relates to:

1. ***Cases relating to asylum seekers*** *(refugee status under the 1951 Geneva Convention and the protocol of 1967[1])*

2. ***Cases relating to the right of entry and stay for aliens***

If court cases can be further appealed to higher instance courts, only first instance court cases should be counted as court cases.

Question 101-2

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

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

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

A: producing child pornography;
B: offering or making available child pornography;
C: distributing or transmitting child pornography;
D: procuring child pornography for oneself or for another person;
E: possessing child pornography;
F: knowingly obtaining access, through information and communication technologies, to child pornography (please refer to Article 20 of the Lanzarote Convention and the Explanatory Report which further develop this provision).

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

Question 102 – Percentage of decisions subject to appeal, average length of proceedings, and percentage of cases pending for more than 3 years for all instances for specific litigious cases

[1] *1951 Convention and 1967 protocol relating to the status of refugees: Article 1* - definition of the term "refugee" A. For the purposes of the present Convention, the term "refugee" shall apply to any person who: (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;
(2) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

The average length of cases corresponds to the average length of resolved cases at a given instance within the reference year.

If the *average length of proceedings* is not calculated from the lodging of court proceedings, please specify the starting point for the calculation. The average length of proceedings has to be presented in days. If you only have information on the length of proceedings in months (or years), please recalculate the length of proceedings in days.

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

Other calculations are also possible and in case other methods of calculation are used please describe them. Replacing the average duration with the Disposition Time or the mathematical sum of the average lengths in the first, second and third instance are not acceptable alternatives.

Question 104 – How is the length of proceedings calculated for the six case categories of question 102? Please give a description of the calculation method

The description should contain the following information:

- starting point
- ending point
- is some time between the starting and ending point excluded (if so, in which circumstances)
- all the types of cases taken into account**.**

Question 105 – Role and powers of the public prosecutor in the criminal procedure (multiple replies possible)

Please verify the consistency of the answer with that of a question 36 regarding the possibility for a public prosecutor to discontinue a case without needing a decision by a judge.

Question 106 – Does the public prosecutor also have a role in

In civil matters, the public prosecutor can, in some member states, be entrusted for instance with the responsibility of safeguarding the interest of children or persons under guardianship. In administrative matters, he/she can, for instance, represent the interests of children against the state or one of its bodies.

For example, the public prosecutor can give his/her opinion regarding a proposal to buy a business that has been declared bankrupt, as well as the guaranties given to the buyer and even oversee the procedure to ensure that the law is respected, to avoid any conflict of interest and to prevent any abuse of power.

This issue is addressed by the Consultative Council of European Prosecutors (CCPE) in its Opinion N° 3 (2008) on the "Role of prosecution services outside the Criminal Law Field" (www.coe.int/ccpe).

Questions 107 – Public prosecutors: Total number of 1st instance criminal cases

The number of cases in this question refers only to the first instance criminal cases processed by public prosecutors. The data should be presented per case files which means that an event or series of events that give rise to the criminal prosecution should be counted as one case irrespective of the number of alleged offenders or offences (one case file can involve one or several perpetrators and/or can imply one or more criminal offences).

However, if data cannot be presented in that manner because cases are counted differently in your system (for example per perpetrators, per criminal offences or per some other criteria), please provide the answer in accordance with your methodology but specify in the comment the criteria used for counting cases.

1. "Pending cases on 1 Jan. ref. year" are cases which have not been completed at the end of the previous year (reference year-1).

2. "Incoming/Received cases" should include cases submitted to public prosecutors by the police and other bodies as well as victims (if applicable) within the reference year.

3. "Processed cases" include all cases that were closed or brought to court between 1 January and 31 of December. They should sum up the following 3 categories (3.1+3.2+3.3).

3.1. Discontinued criminal cases are cases received and processed by the public prosecutor, which have not been brought before the court and for which no sanction or any other measure has been taken. They should sum up the following 4 categories (3.1.1+3.1.2+3.1.3+3.1.4).

(3.1.1) Number of cases discontinued because the case could not be processed since no alleged offender was identified (it should be noted that some systems might require a lapse of time for this type of discontinuation);

(3.1.2) due to the lack or absence of an established offence or due to a specific legal situation (e.g., amnesty, statute of limitation, prescription etc.); or

(3.1.3) for reasons of opportunity, where the legal system allows it;

(3.1.4.) discontinued for other reasons. Please note that line 3.3. "Cases closed by the public prosecutor for other reasons" is deleted as of 2024 evaluation cycle. The cases previously reporter in line 3.3 should be added to the cases in line 3.1.4. If in your system, prosecutors are competent to discontinue/close cases for reasons other than the ones envisaged in the above-mentioned categories, please specify in the comment what are these reasons.

3.2. Cases "Concluded by a penalty or a measure imposed or negotiated by the public prosecutor" refer to proceedings which have not been brought before a judge (for example all transactions not approved by a judge).

3.3. "Cases brought to court" are all those situations in which the public prosecution is presenting a case to a court. The procedures (including guilty pleas, see Q107-1) in which a judge takes the final decision (including if the decision is simply an approval of a previous agreement concluded between the prosecutor and the accused) must also be included in this category.

4. The cases which are still open in the public prosecution at the end of the reference year should be counted in the "Pending cases on 31 Dec. ref. year".

Question 107-1 – If the guilty plea procedure exists, how many cases were concluded by this procedure?

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

Question 109 – Do the figures provided in Q107 include traffic offence cases?

If traffic cases represent a large volume of cases, please specify whether the data indicated in the frame of Q107 includes or not such cases. Relevant analyses based on a comparison of states or entities can be done only by considering clusters of states or entities which have or have not included traffic offences.

5. Career of judges and public prosecutors

5.1 Recruitment and promotion

5.1.1 Recruitment and promotion of judges

Questions 110 to 113-1 and 116 to 119-2

Questions in this section should be understood as per definitions and explanations in the standard setting documents of the European Committee on Legal Co-operation (CDCJ), the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE) and the Venice Commission, such as the CCJE Opinion No. 1(2001) on standards concerning the independence of the judiciary and the irremovability of judges, paras 19-23 and the Report of the Venice Commission on Judicial Appointments, 2007, paras 9-17. Please refer to the Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities[2].

Question 110 – How are judges recruited?

For the purposes of these questions, the recruitment procedure should be understood as a process that includes all stages leading to the first appointment to a judge post in a court.

“Competitive exam” is a possible condition for entering into the judiciary which consists of a predefined, open competition that involves an exam or other similar methods of evaluating candidates’ expertise and skills. This competition is different from the bar exam, which might be a prerequisite to apply for the competitive exam. The candidates for this competitive exam are not required to have previous working experience in the area of law.

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

“Other” – If your system envisages another recruitment procedure that does not correspond to the first two options (e.g., judges are elected by citizens), please select option “Other” and explain the system in the comment.

Some systems might require a combination of several ways of recruitment, and in that case more than one option can be selected.

Question 110-1 – Please briefly describe the recruitment procedure(s) for judges in your country

Please describe here the recruitment procedures which exist in your systems. If there are more than one possible procedures, please include descriptions of all existing procedures in your reply. Please also indicate if any of those systems is a prevalent way of recruitment.

Please avoid copying the provisions of the legislation and provide a summary of the procedure(s) from the application to the final decision on the recruitment.

Question 110-2 – What are the recruitment requirements for judges (multiple replies possible)?

"Physical/Psychological capacity” – one of the requirements might be to assess and verify candidates’ physical and/or psychological capacity through exams in order to verify the capacities to perform judges’ work.

[2] https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805afb78

“Validation of a general state examination in law“ – should be understood as a certificate or confirmation that a candidate has passed an exam in law that is not specifically intended for judges but for all legal professions in general, such as bar exam and similar.

“Validation of a specific examination for judges” - should be understood as a certificate or confirmation that a candidate has passed the exam that is specifically intended for judges.

“Clean criminal record” – the systems usually require that a candidate has not been convicted of any crime or any crime for which certain type of sanction might be pronounced (e.g., imprisonment). However, the meaning might vary in different systems, and therefore, please provide more details in the comment area.

“Personal requirements (related to integrity)” – these requirements should include any assessment of candidates’ personal characteristics that confirm his ethics, moral, integrity, dignity etc. However, the meaning might vary in different systems, and therefore, please provide more details in the comment area.

Question 110-3 – In the frame of these recruitments, please indicate the number of applicants for the position of judge and the number of recruitments actually made during the reference year

The reply should reflect the number of applicants and recruited persons that were recruited following all possible procedures for recruitment of judges (see question 110) within the reference year. Only recruitment procedures that ended in the reference year should be taken into account. If one person applies for several positions, each application should be counted.

If the recruitment procedures are joint for judges and public prosecutors, so candidates apply for judges’ and public prosecutors’ positions without the possibility to opt only for one type of positions, the number of applicants in Q110-3 and Q116-3 should reflect the total number of candidates that applied for both positions considering that separate numbers will not be available. Please explain this situation in the comment. The “Number of applicants” should include only candidates who fulfil all the requirements.

The “Number of applicants” and “Number of recruited persons” should reflect only recruitment procedures that were finalised during the reference year irrespective of when these procedures started (for example it might happen that some procedures started before the reference year). More specifically, the applicants who applied during the reference year should be excluded if the procedure has not been fully finalised during the reference year. This instruction should allow for a possibility to calculate a ratio between applicants and recruited persons.

Question 110-4 – If the number of applicants decreased in the last years, did you take any remedial measures?
Question 110-5 – If yes, please specify what remedies you implemented

Some systems seemed to have encountered difficulties concerning the recruitment of judges over the past years (for example the number of applications for judges’ positions has decreased). The purpose of this question is to collect information on the measures that are taken to increase attractiveness of the judge’s function and to incentivise qualified lawyers to become judges.

“Increase of salary” refers to a raise of base salary of a judge while “Other financial incentives” should include all other bonuses and financial benefits.

“Improving working conditions” can include variety of options from allowing possibilities of part-time work to ensuring adequate support staff and resources.

“Workload reduction at the beginning of career” should be understood as a possibility for new judges to have reduced number of cases in order to facilitate their induction to the judge’s function.

“Other adjustments in the frame of the induction of new judges” includes all measures that should ease acceptance of the roles and tasks for a new judge e.g., ensuring specific trainings or a mentor.

If other measures were taken, please explain them in the comment.

Question 111 – Authority(ies) responsible for recruitment - are judges initially/at the beginning of their career recruited and nominated by

This question strictly concerns the authority entrusted with the recruitment and nomination, i.e., proposing. It is not to be understood as the authority responsible for formal appointment, if different from the former.

Some states distinguish between the formal authority, which may be the one that appoints (for instance the President of the Republic or the Minister of Justice) and the authority actually in charge of the recruitment process, which must enjoy independence from the executive.

In several States and entities, a Judicial Council or a special committee of selection/evaluation/appointment of judges have a central role in this process.

Sometimes, the specific competitive examination that gives access to the profession of judge takes place before a jury composed specially for this purpose. The latter is composed so as to provide guarantees of independence and objectivity similar to those relating to the composition of Judicial Councils and selection committees.

If recruitment of judges is conducted in a different manner so there is no identifiable authority in charge for recruitment (for example judges are elected by the citizens), please select answer “Other”.

Question 111-1 – How many members compose this authority?

To better understand the process of recruitment of judges, it is important to analyse the composition and status of the authority entrusted with the recruitment and nomination. In the first place, it should be indicated how many members this authority has. Secondly, it should be specified how many male and female members take seats in the current composition.

Furthermore, it is very important to describe in the comment what is the status of this body, in particular to what extent it is independent from the executive and legislative powers. In that regard, it should be specified who proposes/nominates the members, how many members are proposed/nominated by different institutions, who has the decisive vote etc.

Question 111-2 – May non-selected candidates appeal against the decision on recruitment/appointment?

If candidates for judges who are not selected may appeal the relevant decision, please specify in the comment the procedure to be followed, who can decide on appeal and at which stage of the procedure this right can be used.

Question 112 – Is the same authority (Q111) competent for the promotion of judges?

If the answer is negative (if the authority competent for the promotion of judges differs from the authority(ies) responsible for recruitment and nomination, please indicate the name of the authority(ies) involved in the procedure of promotion. If there are several authorities, please describe their respective roles.

Questions 113 – What is the procedure for the promotion of judges? (multiple replies possible)
Question 113-1 – Please indicate the criteria used for the promotion of a judge (multiple replies possible)

Regarding the promotion criteria for judges, it is necessary to refer to Opinion No. 17 (2014) of the Consultative Council of European Judges (CCJE)[3] on the evaluation of judges’ work, the quality of justice and respect for the judicial independence.

Question 113

[3] https://rm.coe.int/16807481ea

A promotion should be understood as a procedure of upgrading the rank and/or salary following an application. An automatic promotion, automatic salary increases as well as redistribution of competences are not in the scope of this question.

“Previous individual evaluations” should be understood same as evaluations in question 114.

The details of the promotion procedure should be specified in the comment, namely how it is organised from application to appointment. It should also be explained how the publicity of this process is ensured, for example are vacancies publicly announced, are criteria used transparent, are lists with rankings published etc.

Question 113-0 – In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year

The reply should reflect the number of applicants and promoted persons that were appointed following all possible procedures for promotion of judges (see question 113) within the reference year. Only promotion procedures that ended in the reference year should be taken into account. If one person applies for several positions, each application should be counted.

The “Number of applicants” should include only candidates who fulfil all the requirements. The “Number of applicants” and “Number of promoted persons” should reflect only promotion procedures that were finalised during the reference year irrespective of when these procedures started (for example it might happen that some procedure started before the reference year). More specifically, the applicants who applied during the reference year should be excluded if the procedure has not been fully finalised during the reference year. This instruction should allow for a possibility to calculate a ratio between applicants and promoted persons.

5.1.2 Status recruitment and promotion of prosecutors

Question 115 – What is the status of public prosecution services?

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

Please select one of the offered answers which reflects the status of public prosecution services in your system:

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

“Is part of the executive power but enjoys functional independence” – public prosecution is within the executive power but has some guarantees that ensure certain level of functional independence; please describe in the comment the extent and guarantees of this independence.

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

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

“Is part of the judicial power (without functional independence)” - public prosecution is a part of the judicial power without any guarantees of its functional independence.

“Is a mixed model” – all the systems that combine elements of at least two models mentioned above should select this option and explain its characteristics in the comment.

“Has other status” – if public prosecution has a status that cannot be described by any of the offered answers, please select this option and explain the system in the comment box.

In addition, if public prosecution enjoys certain level of independence, please provide more details in the comment and specify in particular objective guarantees of this independence. Furthermore, please explain if these guarantees are provided for by the Constitution, laws, or some other regulation.

For definitions, principles and terminology please refer to the CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors.[4]

Question 115-1 – Are specific instructions addressed to a public prosecutor to prosecute or not prohibited by law or other regulation?

This question aims to explore how public prosecutors are independent in prosecuting individual cases. The question asks specifically if there is legislation or regulation that prohibits instructions in individual cases.

Public prosecutors can be subject to instructions of general nature, to specific instructions on given cases or are not subject to any instructions.

If the government or other institution can issue general regulations but must not give directions in specific cases please specify “yes” and explain in more detail the status.

Question 115-2 – If they are prohibited by law or other regulation, are there exceptions?

Irrespective of the general norm that prevents specific instructions, some systems provide exceptions in the laws and regulations that envisage the possibility of their issuance. If this is the case, the answer “Yes” should be selected and the exceptions should be listed and explained in the comment.

Question 115-3 – Which authority can issue such specific instructions?

Please reply to this and following questions (115-4, 115-5, 115-6 and 115-7) in both situations when specific instructions are not prohibited (you replied “No” in Q115-1) or they are generally prohibited but exceptionally allowed (your replied “Yes” in question 115-2).

Under this question, it should be indicated which authorities can issue specific instructions and multiple replies are possible. “Executive power” includes all individuals, institutions and bodies that belong to this branch of power, such as government, public administration, ministries, president of the state, other bodies and committees composed of executive power members etc.

Question 115-4 – What form these instructions may take?

Some systems specifically require that instructions when they exist, take the written form exclusively. Other systems allow oral instructions with or without written confirmation. Depending on the required form in the laws/regulations, the adequate reply should be selected. If no specific form is required, please select “Other” and explain in the comment.

Question 115-5 – In that case, are the instructions

In order to understand better the nature and characteristics of the specific instructions, please select one or more different replies.

“Issued seeking prior advice from the competent public prosecutor” should be selected if the instructions can be issued by an authority only after obtaining a written advice on the matter from a competent public prosecutor.

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

“Mandatory” means that a prosecutor is not allowed to depart from the instruction or might be held responsible if he/she does.

“Reasoned” refers to a situation where the authority has to explain its written instructions, especially when they deviate from the competent public prosecutor’s advices and to transmit them through the hierarchical channels.

“Recorded in the case file” is an option that should be selected when the advice and the instructions become part of the file so that the other parties may take cognisance of it and make comments.

Question 115-6 – What is the frequency of this type of instructions?

The frequency of the specific instructions might provide relevant information on their use in practice which might indicate the level of prosecutors’ independence in their work.

“Exceptional” means that specific instructions generally do not exist in the system but are allowed and can be issued in rare situations.

“Occasional” means that specific instructions exist in the system and are issued from time to time.

“Frequent” means that specific instructions exist in the system and are issued often.

“Systematic” means that specific instructions exist in the system and are issued regularly as part of the everyday work in processing cases.

Please provide more details in the comment.

Question 115-7 – Can the public prosecutor oppose/report an instruction to an independent body?

If prosecutors are allowed to oppose a specific instruction and report it to an independent body, please provide more details in the comment by specifying what is the body in charge for such reports and what are its competences. Furthermore, it should be described what are the conditions that have to be fulfilled for a prosecutor to oppose/report specific instruction.

Question 116 – How are public prosecutors recruited?

For the purposes of these questions, the recruitment procedure should be understood as a process that includes all stages leading to the first appointment to a public prosecutor post in a public prosecution office.

“Competitive exam” is a possible condition for entering into the judiciary which consists of a predefined, open competition that involves an exam or other similar methods of evaluating candidates’ expertise and skills. This competition is different from the bar exam, which might be a prerequisite to apply for the competitive exam. The candidates for this competitive exam are not required to have previous working experience in the area of law.

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

“Other” – If your system envisages another recruitment procedure that does not correspond to the first two options (e.g. public prosecutors are elected by citizens), please select option “Other” and explain the system in the comment.

Some systems might require a combination of several ways of recruitment, and in that case more than one option can be selected.

Question 116-1 – Please briefly describe the recruitment procedure(s) for prosecutors in your country

Please describe here the recruitment procedures which exist in your systems. If there are more than one possible procedures, please include descriptions of all existing procedures in your reply. Please also indicate if any of those systems is a prevalent way of recruitment.

Please avoid copying the provisions of the legislation and provide a summary of the procedure(s) from the application to the final decision on the recruitment.

Question 116-2 – What are the recruitment requirements for prosecutors (multiple replies possible)?

"Physical/Psychological capacity" – one of the requirements might be to assess and verify candidates' physical and/or psychological capacity through exams in order to verify the capacities to perform public prosecutors' work.

"Validation of a general state examination in law" – should be understood as a certificate or confirmation that a candidate has passed an exam in law that is not specifically intended for public prosecutors but for all legal professions in general, such as bar exam and similar.

"Validation of a specific examination for prosecutors" - should be understood as a certificate or confirmation that a candidate has passed the exam that is specifically intended for public prosecutors.

"Clean criminal record" – the systems usually require that a candidate has not been convicted of any crime or any crime for which certain type of sanction might be pronounced (e.g., imprisonment). However, the meaning might vary in different systems, and therefore, please provide more details in the comment area.

"Personal requirements (related to integrity)" – these requirements should include any assessment of candidates' personal characteristics that confirm his ethics, moral, integrity, dignity etc. However, the meaning might vary in different systems, and therefore, please provide more details in the comment area.

Question 116-3 – In the frame of these recruitments, please indicate the number of applicants for the position of prosecutor and the number of recruitments actually made during the reference year

The reply should reflect the number of applicants and recruited persons that were recruited following all possible procedures for recruitment of public prosecutors (see question 110) within the reference year. Only recruitment procedures that ended in the reference year should be taken into account. If one person applies for several positions, each application should be counted.

If the recruitment procedures are joint for judges and public prosecutors, so candidates apply for judges' and public prosecutors' positions without the possibility to opt only for one type of positions, the number of applicants in Q110-3 and Q116-3 should reflect the total number of candidates that applied for both positions considering that separate numbers will not be available. Please explain this situation in the comment. The "Number of applicants" should include only candidates who fulfil all the requirements.

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

Question 116-4 – If the number of applicants decreased in the last years did you take any remedial measures?
Question 116-5 – If yes, please specify what remedies you implemented

Some systems seemed to have encountered difficulties concerning the recruitment of public prosecutors over the past years (for example the number of applications for public prosecutors' positions has decreased). The purpose

of this question is to collect information on the measures that are taken to increase attractiveness of the public prosecutor's function and to incentivise qualified lawyers to become public prosecutors.

"Increase of salary" refers to a raise of base salary of a public prosecutor while "Other financial incentives" should include all other bonuses and financial benefits.

"Improving working conditions" can include variety of options from allowing possibilities of part-time work to ensuring adequate support staff and resources.

"Workload reduction at the beginning of career" should be understood as a possibility for new public prosecutors to have reduced number of cases in order to facilitate their induction to the public prosecutor's function.

"Other adjustments in the frame of the induction of new prosecutors" includes all measures that should ease acceptance of the roles and tasks for a new public prosecutor e.g., ensuring specific trainings or a mentor.

If other measures were taken, please explain them in the comment.

Question 117 – Authority(ies) responsible for recruitment - Are public prosecutors initially/at the beginning of their career recruited by

This question strictly concerns the authority entrusted with the recruitment and nomination, i.e., proposing. It is not to be understood as the authority responsible for formal appointment, if different from the former.

Some states distinguish between the formal authority, which may be the one that appoints (for instance the President of the Republic or the Minister of Justice) and the authority actually in charge of the recruitment process.

In several States and entities, a Judicial or Prosecutorial Council or a special committee of selection/evaluation/appointment of public prosecutors have a central role in this process.

Sometimes, the specific competitive examination that gives access to the profession of public prosecutors takes place before a jury composed specially for this purpose. The latter is composed so as to provide guarantees of independence and objectivity similar to those relating to the composition of Judicial and Prosecutorial Councils and selection committees.

If recruitment of prosecutors is conducted in a different manner so there is no identifiable authority in charge for recruitment (e.g., prosecutors are elected by the citizens), please select answer "Other".

Question 117-1 – How many members compose this authority?

To better understand the process of recruitment of public prosecutors, it is important to analyse the composition and status of the authority entrusted with the recruitment and nomination. In the first place, it should be indicated how many members this authority has. Secondly, it should be specified how many male and female members take seats in the current composition.

Furthermore, it is very important to describe in the comment what is the status of this body, in particular to what extent it is independent from executive and legislative powers. In that regard, it should be specified who proposes/nominates the members, how many members are proposed/nominated by different institutions, who has the decisive vote etc.

Question 117-2 – May non-selected candidates appeal against the decision on recruitment/appointment?

If candidates for public prosecutors that are not selected may appeal the relevant decision, please specify in the comment the procedure, who can decide on appeal and at which stage of the procedure this right can be used.

Question 118 – Is the same authority (Q117) competent for the promotion of public prosecutors?

If the answer is negative (if the authority competent for the promotion of public prosecutors differs from the authority(ies) responsible for recruitment, please indicate the name of the authority(ies) involved in the procedure of promotion. If there are several authorities, please describe their respective roles.

Question 119 – What is the procedure for the promotion of prosecutors? (multiple replies possible)

A promotion should be understood as a procedure of upgrading the rank and/or salary following an application. An automatic promotion, automatic salary increases as well as redistribution of competences are not in the scope of this question.

“Previous individual evaluations” should be understood same as evaluations in question 120.

The details of the promotion procedure should be specified in the comment, namely how it is organised from application to appointment. It should also be explained how the publicity of this process is ensured, for example are vacancies publicly announced, are criteria used transparent, are lists with rankings published etc.

Question 119-1 – In the frame of the promotion procedures, please indicate the number of applicants and the number of promotions actually made during the reference year

The reply should reflect the number of applicants and promoted persons that were appointed following all possible procedures for promotion of public prosecutors (see question 116) within the reference year. Only promotion procedures that ended in the reference year should be taken into account. If one person applies for several positions, each application should be counted.

The “Number of applicants” should include only candidates who fulfil all the requirements. The “Number of applicants” and “Number of promoted persons” should reflect only promotion procedures that were finalised during the reference year irrespective of when these procedures started (for example it might happen that some procedure started before the reference year). More specifically, the applicants who applied during the reference year should be excluded if the procedure has not been fully finalised during the reference year. This instruction should allow for a possibility to calculate a ratio between applicants and promoted persons.

5.1.3 Mandate and retirement of judges and prosecutors

Question 121 – Are judges appointed to office for an undetermined period (i.e., "for life" = until the official age of retirement)?
Question 122 – Is there a probation period for judges (e.g., before being appointed "for life")? If yes, how long is this period?
Question 123 – Are public prosecutors appointed to office for an undetermined period (i.e., "for life" = until the official age of retirement)?
Question 124 – Is there a probation period for public prosecutors? If yes, how long is this period?

A *mandate for an undetermined period* means that judges and public prosecutors are appointed for ‘life’ (until their official age of retirement) and, for this reason, cannot be removed from office (unless severe disciplinary proceedings/sanctions against a judge or a public prosecutor are ordered, knowing that the most severe sanction is a dismissal). It is possible for judges/public prosecutors to be appointed for life after a “probation period”. If there is a probation period, after which judges/public prosecutors are appointed for life, please answer “yes” in questions 122 and 124.

Question 121-1 – Can a judge be transferred to another court without his/her consent

This question aims to better understand the status of judges in different member states by identifying the reasons for transferring a judge without their consent as well as the procedural guarantees in place.

Question 125 – If the mandate of judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)?

Please select “NAP” if your answer to question 121 is “yes”.

Question 125-1 – Is it renewable?

Please select “NAP” if your answer to question 121 is “yes”.

If renewable, please explain how many times, under what conditions, etc.

Question 126 – If the mandate of public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)?

Please select “NAP” if your answer to question 123 is “yes”.

Question 126-1 – Is it renewable?

Please select “NAP” if your answer to question 123 is “yes”.

If renewable, please explain how many times, under what conditions, etc.

5.2 Training

5.2.1 Training of judges

5.2.2 Training of prosecutors

Question 127 – Training of judges
Question 129 – Training of public prosecutors

These questions aim to better understand the types of training offered to judges and public prosecutors. For example, initial training might be compulsory, or it may be optional. On the other hand, it is possible that training in certain categories is not at all organised within the judiciary of a country, in which case please choose the option “no training proposed”.

“Compulsory” training shall be understood as a training which is set as a precondition/condition to perform certain judicial tasks. If a dual system exists (i.e., training is compulsory for certain categories of judges and not for others), please select the option which most accurately describes the system in general and give an explanation and/or exceptions within the general comments section.

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

“General in-service training” includes all training topics of general nature offered in the annual in-service training calendar/programme to judges and public prosecutors.

“In-service training for specialised judicial functions” refers to trainings organised on specific areas of law for which judges/prosecutors are required to have some specialised knowledge and skills (for example judge for commercial or administrative matters, juvenile judges, judges for family cases, judges for bankruptcy, public prosecutors for working on cases of organised crime and any other specialised judicial function that may exist in your system).

“In-service training for management functions” is training provided to court presidents/managers and heads of prosecution offices or other management functions in the courts and prosecution offices. All training topics dealing

with management (budget and human resources), leadership, public relation and alike, shall be understood under management training.

“In service training for the use of computer facilities in courts” besides the basic computer use training, also includes training on applications used by the judiciary like case management system and other.

“In-service training on ethics” should address standards and norms that prescribe how judges/prosecutors should conduct in order to maintain independence and impartiality, as well as to avoid impropriety.

“In-service training on child-friendly justice” relates to all trainings aimed at improving judges’ and public prosecutors’ knowledge and competences to handle cases involving minors, including training on children’s rights and children’s access to justice, as well as on how to communicate with children participating in proceedings adapted to the age and maturity of the child.

“In-service training on gender equality” refers to any trainings that increase knowledge of judges and public prosecutors on the issues relating to inequalities or discrimination based on gender.

Question 128 – Frequency of the in-service training of judges
Question 130 – Frequency of the in-service training of public prosecutors

These two questions refer to the frequency of the trainings specified as in Q127 and Q129 for judges and public prosecutors. Therefore, whatever has been explained about the training specificities above, applies to these questions too.

“Regularly” means that the training is carried out in regular cycles already defined in the programme. The cycle could be every year, or different frequency.
Occasional means on an ad-hoc basis: the training is organised because of its relevance at this point of time, but it is not repeated in regular cycles.

Question 128-1 – Do you have a minimum number of compulsory trainings per judge
Question 130-1 – Do you have a minimum number of compulsory trainings per prosecutor

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

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

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

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

5.2.3 Training institutions

Question 131 – Do you have public training institutions for judges and / or prosecutors?
Question 131-0 – If yes, what is the implemented budget of such institution(s)?

These questions only concern states that have public bodies specifically entrusted with the training of judges and/or public prosecutors (judicial training schools, centres, academies). The professions can be trained together (in a single institution) or separately. Training can be only initial, only continuous (in-service) or both initial and continuous (in-service). Several institutions can therefore co-exist, or one may offer all types of training.

Only the implemented budget of these public bodies/institutions for the reference year should be provided. This figure should not include the total public budget for the training of judges and prosecutors (in particular, if part of the training is financed by the court/public prosecution services or provided by a university or private institutes). In case the budget of the public training institution includes both public state budget and substantial donor support (i.e., for beneficiaries in the process of EU integration), please also include in the implemented budget the amount funded by the donors and specify in the comment.

Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.

Most of the systems define a financial year from 1 January to 31 December which matches the CEPEJ reference year. Exceptionally, some Member states have a financial year that does not match the calendar year (for example from 1 April of one calendar year to the 31 March of the next year). In this case, the fiscal year which overlaps more with the CEPEJ reference year should be used (in the given example it would be the fiscal year that starts on 1 April of the CEPEJ reference year) and the situation should be explained in the comments.

The total budget of these institutions allocated for training must not be indicated under questions 6 or 13 and should only be reported here.

Question 131-1 – If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how judges and/or prosecutors are trained?

If your country does not have public schools or institutions specifically responsible for training of judges and prosecutors and consequently you have not completed the table in Q131, please answer Q131-1 and describe how judges and/or prosecutors are trained within your system.

5.2.4 Quantity of trainings

Question 131-2 – Number of in-service trainings available and delivered (in days) by the public institution(s) responsible for training

This question aims to gather information on the quantity of trainings provided by all public institution(s) responsible for trainings within the reference year.

Columns 1, 2, 3:

“A live” training shall be understood as a training conducted in real time. This means that both trainers and participants are physically present in one location or several locations assisted with information technology (digital tools). The communication and collaboration happen in real time in the same or different place, similarly like synchronous training. All different versions of live trainings, such as in-person (face-to-face), hybrid and videocall trainings should be included in these three columns. The most important characteristic for these trainings is that they take place in real time (live).

The available trainings should reflect different training topics/courses that are offered by the institution(s) planned in their annual calendar, whilst delivered trainings should give the number of implemented/organized trainings.

The first column requires the “number of different available live trainings”, while the second refers to the “number of delivered live trainings” that includes all repetitions of the trainings of the first column during the reference year. If a live training course is organised more than once within the reference year on a particular subject, each course repetition should be counted in this second column.
In the third column (Number of days of delivered live trainings) the trainings specified in the second column should be quantified in days. A training day shall be understood as one working day. Please include also half-day trainings as half-days in your calculation. Therefore, if a training lasts for two half-days, please calculate as one.
Therefore, a 3-day training which was delivered 10 times during the reference year should be reported as follows: 1 training in the first column (“Number of different available live trainings”), 10 trainings in the second column (“Number of delivered live trainings“) and 30 delivered training days in the third column (“Number of days of delivered live trainings”).
Column 4:
“Internet-based” trainings are all trainings that take place over internet, irrespective of the format of the training (such as trainings via specifically designed LMS - Learning Management System platforms, webinars, podcasts and other forms of downloadable lectures and self-learning digital tools). The internet-based training shall be understood as e-training that is implemented according to participant own pace and time of training. Important difference with the trainings of the first 3 columns is that these trainings are not organised in real time (live) and can be used/downloaded by users/participants at any time. These trainings could also be classified as asynchronous e-learning tools.

The number of internet-based trainings provided on the e-leaning platform of the training institution(s) should be provided under column 4.

Question 131-3 – Number of participants in the trainings during the reference year

Please apply the same interpretation as in Q131-2 regarding the definition of different training formats when counting the participations to the trainings.

Namely, in the first column (Number of participants in live trainings) only participants in real-time trainings should be counted, corresponding to second column of question 131-2.

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

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

If a training is organised for more than one category of participants (for example a joint training for judges and prosecutors), it should be counted under each concerned category of participants (as one training for judges and one training for prosecutors). However, it should be counted as 1 training in the total. Consequently, in this question the total doesn’t have to be equal to the sum of the sub-categories of participants (vertical consistency is not required).

5.3 Practice of the profession

5.3.1 Salaries and benefits of judges and prosecutors

Question 132 – Salaries of judges and public prosecutors on 31 December of the reference year

Two different indicators are analysed: the salary at the beginning of the career (at a first instance court for a judge/public prosecutor; starting salary at his/her salary scale) and the salary at the end of the career (at the Supreme Court or the Highest Appellate Court). These indicators represent the salary for full-time work.

The purpose of this question is to see the evolution of judges’ and prosecutors’ salaries throughout their carrier - from the very beginning when a person starts working as a judge/prosecutor to the final possible stage of the

career (depending on the court level (for most of the countries), years of experience (in Italy for example). In order to understand the system better, please describe in the comment how the salaries progress throughout the career of a judge/prosecutor - what salary grades exist, what factors influence the salary grade (for example court level, years of experience), how judges/prosecutors qualify to pass from one salary grade to another etc.

Please indicate the highest salary of a judge/prosecutor at the highest level but not the salary of the Court President/the Attorney General. The amount indicated should reflect the highest hypothetical salary even if there was no judge/public prosecutor who reached that exact amount in the reference year.

Please note that bonuses linked to personal circumstances (for example family allowances depending on the number of children) should be excluded from the amount, as well as bonuses mentioned under. On the other hand, bonuses that are regularly paid to all judges/public prosecutors irrespective of their personal circumstances should be included (for example 13th salary that is paid without exception to all judges/public prosecutors in the court).

The *gross* salary is calculated before any welfare costs and taxes have been paid (see question 4).

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

Question 133 – Do judges and public prosecutors have additional benefits?

Please indicate any additional benefits judges and public prosecutors may enjoy in your system. For example, judges and public prosecutors might receive free or subsidised housing, especially if assigned to courts outside of their place of residence.

Question 135 – Can judges combine their work with any of the following other functions/activities?
Question 137 – Can public prosecutors combine their work with any of the following other functions / activities?

Teaching includes for instance practising as a university professor, participating in conferences, participating in educational activities in schools, etc.

Research and publication include, for instance, publishing articles in newspapers, scientific and legal journals, on-line blogs, etc. Participating in working groups for drafting of legal norms should also be understood within this category.

Cultural function includes, for instance, performing in concerts and theatre plays, selling his/her own paintings, etc.

Question 139 – Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the number of resolved cases (e.g., number of cases resolved over a given period of time)?
Please indicate if there is a possibility for judges' additional remuneration to be in relation to the number of decisions, quality of their work or any other productivity criteria.

Question 138 – Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of judges (e.g., involvement in political life, use of social media by judges, etc.)
Question 138-1 – If yes, who are the members of this institution/body?
Question 138-2 – Are the guidelines and/or opinions of this institution / body publicly available?
Question 138-2-1 – How many guidelines and/or opinions were given during the reference year?
Question 138-3 – Is there in your country an institution / body giving guidelines and/or opinions on ethical questions of the conduct of prosecutors (e.g., involvement in political life, use of social media by prosecutors, etc.)
Question 138-4 – If yes, who are the members of this institution/body?
Question 138-5 – Are the guidelines and/or opinions of this institution / body publicly available?

Question 138-5-1 – How many guidelines and/or opinions were given during the reference year?

These questions related to institutions / bodies giving guidelines and/or opinions on ethical questions of the conduct of judges / public prosecutors (in some States and entities they are referred to as codes of conduct, principle of conduct and similar) aim to explore in more detail the institutional capacities of member states to deal with issues of ethics within the judiciary.

Such a body might be, for example, a separate institution, a commission within a High Judicial Council or may take some other form. Such a body may be addressed regarding contentious ethical issues, and it might render opinions of various strengths.

The opinions of these bodies may be considered publicly available if they are published on a website, circulated among judges and public prosecutors, published in the "official gazette" or journal, etc.

The important aspect to evaluate activity of these bodies is to examine if they issue guidelines/opinions regularly. For this reason, it is important to indicate how many guidelines/opinions were issued during the reference year. Please also specify in the comment the topics that were addressed in these guidelines/opinions.

5.4 Disciplinary procedures

5.4.1 Authorities responsible for disciplinary procedures and sanctions

Question 140 – Who is authorised to initiate disciplinary proceedings against judges (multiple replies possible)?
Question 141 – Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple replies possible)

The body "authorised to initiate disciplinary proceedings" is the one that formally starts disciplinary proceedings by submitting an act to the authority in charge to decide on a disciplinary case. The act starting a proceeding could be a disciplinary indictment or similar act. In some systems this can be a separate, autonomous body such as disciplinary prosecutor (not to be confused with public prosecutors in criminal proceedings), disciplinary office, disciplinary inspector and similar.

An "ombudsman" (also known as "ombudsperson", "ombud", or "public advocate") is an official who is charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The ombudsman is usually appointed by the government or by parliament, but with a significant degree of independence. In some countries an "inspector general", "citizen advocate" or other official may have duties similar to those of a national ombudsman and may also be appointed by the parliament.

Question 142 – Which authority has disciplinary power over judges (multiple replies possible)?
Question 143 – Which authority has disciplinary power over public prosecutors (multiple replies possible)?

"Disciplinary power" in these questions should be understood as a power to sanction judges/prosecutors for violating disciplinary rules.

In case "Disciplinary court or body" is within the "High Judicial Council"/"Public prosecutorial Council", and therefore it is not clear which reply should be given, please select "High Judicial Council"/"Public prosecutorial Council" if the disciplinary court or body is composed exclusively from all or some members of the Council. If the disciplinary court or body is composed from members of the "High Judicial Council"/"Public prosecutorial Council" and other members, please select "Disciplinary court or body".

5.4.2 Number of disciplinary procedures and sanctions

Question 144 – Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors.

Question 145 – Number of sanctions pronounced during the reference year against judges and public prosecutors

These questions specify the number of disciplinary proceedings against judges or public prosecutors and the sanctions actually decided against judges or public prosecutors. If a significant difference between those two figures exists in your country and if you are aware of the reasons, please specify.

Initiated case is a case received by an authority competent for conducting proceedings and pronouncing a sanction (e.g. High Judicial Council, disciplinary court, disciplinary committee for judges or similar body). Only first instance cases submitted for the first time should be counted. A case is considered initiated at the moment of submitting a case to the first instance competent authority (a preliminary or investigative procedure where another authority receives notices, gathers evidence and/or decides to submit the case to the competent authority or not), should not be counted.

Breach of professional ethics (e.g., rude behaviours against a lawyer, party or another judge), *professional inadequacy* (e.g., systematic slowness in delivering decisions), *criminal offence* (offence committed in the private or professional framework and open to sanction) refer to some mistakes made by judges or public prosecutors which might justify disciplinary proceedings against them. Please complete the list where appropriate. The same applies to the type of possible sanctions (e.g., *reprimand, suspension, fine, withdrawal of a case, transfer of the file to another court or department, temporary reduction of salary, position downgrade, resignation, dismissal etc.)*.

If the disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.

Specific comments could in particular be developed, where appropriate, as regards the procedures initiated and the sanctions pronounced in the case of corruption of judges and public prosecutors, namely by taking into account the reports by the Group of States against Corruption (GRECO) and possibly by *Transparency International*.

6. Lawyers

6.1 Profession of lawyer

6.1.1 Status of the profession and training

Question 146 – Total number of lawyers practicing in your country

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

Question 147 – Does this figure include "legal advisors" who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?
Question 148 – Number of legal advisors who cannot represent their clients in court

*Legal advisors (*for instance, some solicitors) are legal professionals who give legal advice and prepare legal documents but have no competence to represent users in courts.

Question 149 – Is legal representation in courts exclusively exercised by lawyers in: (multiple replies possible)
Question 149-0 – If other than lawyers may represent a client in court, please specify who

These questions aim to measure the scope of the extent of exclusivity in legal representation and/or to get information concerning other persons entitled, according to the type of cases, to represent clients before courts and to obtain details on their status. In some countries a legal representation by a lawyer is mandatory for criminal

cases, whilst in other countries this might not be the case (a representation, by for example, a family member is possible, by a relevant association, or a law school graduate employed with the represented company). A similar principle can be found in civil law cases. In certain countries for civil cases with a small financial value there may not be the obligation to hire a lawyer to represent parties in such cases before the court.

The answer to these questions might vary whether first, second or third instances are considered (ex. lawyers have exclusive rights to represent parties with respect to certain extra-ordinary legal remedies before the Supreme Court).

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

Question 149-1 – In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

Please indicate other activities which lawyers may practice in your system, even if they are not practiced by lawyers as an exclusive right.

Property management should be understood as professional property management. “Other law activities” should be understood as other activities, in addition to legal representation and offering of legal advice.

Question 149-2 – Professional lawyers may have the status of

The given options in Question 149-2, should be understood as follows:

Self-employed lawyer: a lawyer practicing in a private practice (associate lawyer for example).
Staff lawyer: a lawyer employed by a law firm (e.g., a collaborator).
In-house lawyer: he/she has the lawyer status but practises within a company, exclusively on behalf of a company.

If in your system there are different categories of lawyers, please select the options that reflect the respective status of each of those categories.

Question 150 – Is the lawyer profession organised through?

Please choose the option(s) which best describes the organisation of the lawyer profession in your system. Choosing more than one option is possible (i.e., it is possible that a lawyer may or must be a member of both a local and a national bar association). Please give any additional useful comments on the way the lawyer profession is organised in your system. For example, if lawyers are organised through a regional bar, please indicate how the region is defined, and how many bar associations there are.

Question 151 – Is there a specific initial training and/or exam to enter the profession of lawyer?

Specific initial training and/or examination should be understood as any training and/or examination which is particular to the lawyer profession, aimed at raising and assessing the competences of lawyers, before entering the profession. If specific initial training and/or exam exists but is not necessarily the only way to access the profession, please choose “yes” and describe the system, indicating the different possibilities in the comment section.

For example, a lawyer candidate might have to undergo exclusively traineeship within the profession, or a traineeship might be necessary but it does not need to be within the lawyer profession.

If your system does not require specific initial training and/or examination, but initial training and/or examination requirements exist, please specify them (ex. they may be common for all legal professions).

Question 152 – Is there a mandatory general in-service professional training system for lawyers?

Mandatory general in-service professional training system means a requirement for lawyer to undergo continuous training. There are usually organised by the bar association.

Question 153 – Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Specialisation in some legal fields refers to the possibility for a lawyer to use officially and publicly this specificity, such as "lawyer specialised in real estate law" or “lawyer specialised in representing/defending minors”.

6.1.2 Practicing the profession of lawyer

Question 154 – Can court users establish easily what the lawyers’ fees will be (i.e., a prior information on the foreseeable amount of fees)?

The transparency on the foreseeable amount of fees is an available information to clients in order for them to estimate their future costs.

Question 156 – Do laws or bar standards provide any rules on lawyers’ fees (including those freely negotiated)?

Regulation on lawyers’ fees may be obligatory or recommendations. Please specify in the comment.

6.1.3 Quality standards and disciplinary proceedings for lawyers

Question 157 – Have quality standards been determined for lawyers?
Question 158 – If yes, who is responsible for formulating these quality standards

Similar to courts/public prosecution services, lawyers might use quality standards, as developed by (national, regional or local) bar associations, legislator or other authorities. If this is the case, please specify which quality standards and criteria are used.

Question 159 – Is it possible to file a complaint about

A complaint about the performance of lawyers: it might be introduced by clients who are not satisfied with the performance of the lawyer responsible for their case. The complaint can concern for instance delays in the proceedings, the omission of a deadline, the violation of professional secrecy. Where appropriate, please specify.

Please specify also, where appropriate, which body is entrusted with receiving and addressing the complaint.

Question 160 – Which authority is responsible for disciplinary procedures?
Question 161 – Disciplinary proceedings initiated against lawyers
Question 162 – Sanctions pronounced against lawyers

The question refers to *disciplinary proceedings* which are generally filed by other lawyers or judges. Disciplinary proceedings can be within the competence of bar associations, a special chamber at a court, the ministry of justice or a combination of some of them.

The terms: *breach of ethical standards, professional inadequacy and criminal offence* refer to acts susceptible to lead to disciplinary proceedings being brought against the lawyer. Please complete the list if appropriate. Idem regarding the different types of sanctions possible (for example *reprimand, suspension, withdrawal from cases, fine*).

If the disciplinary proceedings are undertaken because of several mistakes, please count the proceedings only once and for the main mistake.

If “other” is selected, please complete the list of reasons for disciplinary proceedings and the types of sanctions mentioned in the comment.

If there is a significant difference between the number of disciplinary proceedings and the number of sanctions, please specify the reasons.

7. Court related mediation and other Alternative Dispute Resolution methods

7.1 Court related mediation

7.1.1 Details on court related mediation

Question 163 – Does the judicial system provide for court-related mediation procedures?

“Court-related mediation”: Mediation which includes the intervention of a judge, a public prosecutor or other court staff who facilitates, directs, advises on or conducts the mediation process. For example, in civil disputes or divorce cases, judges may refer parties to a mediator if they believe that more satisfactory results can be achieved for both parties. In criminal law cases, a public prosecutor (or a judge) can refer a case to a mediator or propose that he/she mediates a case between an offender and a victim (for example to establish a compensation agreement). Such mediation may be mandatory either as a pre-requisite to proceedings or as a requirement of the court in the course of the proceedings.

Question 163-1 – In some fields, does the judicial system provide for mandatory mediation with a mediator?
Question 163-2 – In some fields, does the legal system provide for mandatory informative sessions with a mediator?

For certain types of disputes or certain legal areas, it is possible that the procedure codes require that a mandatory first mediation meeting, or mandatory informative session with mediator, or mandatory full mediation are conducted beforehand in order to be able to go to court. Furthermore, certain procedures give the possibility to the judge to whom a case is addressed to order a mediation procedure at the beginning of judicial proceeding or during this proceeding. If this is the case, please specify in which situations such rules apply.

For example, in Italy, Lithuania and Turkey, for certain types of disputes attending of a mediation information session is a procedural requirement (prerequisite) in order to initiate court proceedings.

Question 164 – Please specify, by type of cases, who provides court-related mediation services

Private mediators: locally recognised professionals with a mediation specialisation.

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

Question 165 – Is there a possibility to receive legal aid for court-related mediation or receive these services free of charge?

Please indicate whether a party may benefit from court-related mediation services through a legal aid scheme (as understood in Section 2.1 “Legal Aid”) or whether court-related mediation is offered free of charge to the parties, through other means. For example, in certain countries, mediators might participate in pro-bono mediation programs within the court, in which they offer their services free of charge, or might be compensated by some other means.

Please explain the various possibilities which exist in your system.

Question 166 – Number of accredited or registered mediators for court-related mediation

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

Question 166-1 – Could you please describe what are the requirements and what is the procedure to become an accredited or registered mediator in your country (educational requirements, working experiences, accrediting procedure etc.)?

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

Question 167 – Number of court-related mediations

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

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

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

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

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

Question 168 – Do the following alternative dispute resolution (ADR) methods exist in your country

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

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

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

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

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

8. Enforcement of court decisions

8.1 Execution of decisions in civil matters

8.1.1 Number of enforcement agents, status and mandate

Question 169 – Number and type of enforcement agents in your country. If you do not have enforcement agents, please skip to question 192

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

For further guidance, please also refer to the Guidelines of the European Commission for the Efficiency of Justice (CEPEJ) (2009)11 REV2 and CEPEJ Good practice guide on enforcement of judicial decisions (CEPEJ(2015)10).

Please note that questions 169 to 183 only concern the enforcement of decisions in *civil matters* (which include commercial matters and family law issues for the purpose of this Scheme).

Question 170 – What are the requirements to access the profession of enforcement agent (multiple replies possible)?

Please answer by selecting all the options applicable to your system (multiple replies possible):

- "diploma" should be selected if graduation from university (law school) is an access condition;
- "professional experience" should be understood as any previous work in the legal area, such as working in an enforcement agent's office, law office, working as a lawyer or in a court or similar;
- "specific exam" should be understood as any exam particular to the enforcement agents, aimed at assessing their competences before entering the profession;
- "appointment procedure by the State" should be selected if your system requires an appointment procedure which involves participation of state bodies at some stage (ex. divided competences of the Chamber of Enforcement Agents and the Ministry of Justice);
- "Initial training" should be understood as a specific professional training aimed at raising enforcement agents' competences and mandatory required for every enforcement agent to complete.

If you selected option "Other", please provide more details in the comment.

Question 171 – Are enforcement agents appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

An appointment for an undetermined period means that enforcement agents are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against an enforcement agent are ordered, knowing that the most severe sanction is a dismissal or cancelation of their licence).

8.1.2 Activities / scope of competence

Questions 171-1 – Which debtor's information can the enforcement agent access at the beginning of the enforcement procedure?

The access to the debtor's information is an important prerequisite of the enforcement procedure. The aim of this question is not only to know what information the enforcement agents have access to, but also how they can access it, and especially if they have direct electronic access to information as opposed to access by "paper" request.

Question 171-2 – Can the enforcement agent carry out the following civil enforcement proceedings

Concerning the activities which may be carried out by enforcement agents, reference should be made to the "Guidelines for a better implementation of the existing Council of Europe's recommendation on enforcement" adopted by the CEPEJ at its 14th plenary meeting and especially articles 33 and 34.

The purpose of this question is twofold. Firstly, it should measure the scope of the activities carried out by the enforcement agents, and secondly, it should indicate the extent of exclusive rights in exercising certain functions and activities within the enforcement proceedings.

Question 171-3 – Apart from the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

Enforcement agents may also be authorized to perform secondary activities compatible with their role. In some systems, these activities are usually performed by other professions. Please indicate which activities the enforcement agents may perform in your system.

8.1.3 Training and ICT

Question 172-1 – Is there a system of mandatory general continuous training for enforcement agents?

Mandatory general continuous or in-service training is a requirement for enforcement agents to undergo continuous professional training, usually organised within a chamber, association, or judicial training institution.

Question 172-2 – Do you have an e-learning training system established for enforcement agents?

Given the evolution of the society and new technologies, this question aims to find out if the training modalities for enforcement agents have evolved in the same direction by allowing distance "e-learning" courses.

Question 172-3 – Does the content of the continuous training system also include ICT (related to enforcement procedures)?

It is not only important to know how continuous training is provided, but also if the new technologies are part of this continuous training considering the need for the enforcement agents to modernize their work in line with the digitalization of the society.

Question 172-4 – Have an electronic service of documents or electronic notifications been introduced in your country?

In this question, please indicate whether your country allows the official submission of legal documents or notifications via electronic means by enforcement agents who exercise their competences as private professionals or civil servants.

Question 172-5 – Does the development of new technologies have an effect on the different stages of the enforcement procedure?

If your system had adapted enforcement procedures to the evolution of ICT, please indicate whether new technologies have affected different stages of the process or not (for example digitalization of the procedure for the seizure of bank accounts in some countries). In the comment, please provide more details about what concrete effects were detected and at what stages of the procedure.

8.1.4 Fees

Question 174 – Are enforcement fees easily established and transparent for parties?
Question 175-1 – Are the fees charged in case of successful enforcement proceedings freely negotiated?
Question 175-2 – Who has to pay these fees if the enforcement proceedings are successful?
Question 176 – Do laws provide any rules on enforcement fees (including those freely negotiated)?

These questions aim to provide information on the way enforcement fees are determined and on the possibility for users to have easy access to prior information on the foreseeable amount of fees requested by an enforcement agent to execute the judicial decision.

The transparency on the foreseeable amount of fees is an available information to clients in order for them to estimate their future costs.

Question 175-1

Some countries, in establishing the applicable rate for enforcement agents, allow them to charge fees in the event of the successful enforcement proceedings. The question raised is whether these fees are freely negotiated between the parties (creditor and debtor) or whether they are determined by a legal norm. If latter, please reply "No", and explain in the comment.

Question 175-2
This is the continuation of the previous question and the aim is to find out who has to pay these "success" fees. The reply should specify if they are at the expense of the creditor, debtor, or someone else (for example a third party). If "Other", please specify who are the other persons who may be charged with these fees.

Question 176

Rules on fees may be provided in laws and bylaws, or in standards of professional associations. Please indicate in the comments section the nature of the rules and, if they do not exist, how fees are calculated.

8.1.5 Organisation of profession and efficiency of enforcement services

Question 177 – Is there a body entrusted with supervising and monitoring the enforcement agents' activity?
Question 178 – Which authority is responsible for supervising and monitoring enforcement agents?

Enforcement agents are entrusted with public duties. It is therefore important to know who supervises them, even if their status can be very different.

Question 181 – Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Please describe the systems for enforcement of domestic court decisions rendered against public authorities, if specific mechanisms and their supervision are established in your system. For example, a party might have to address a certain authority in these cases, prior to initiating the regular enforcement proceeding, or an entirely specific enforcement proceeding might be set up.

Question 182 – Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Taking into account the amount of cases brought before the European Court of Human Rights regarding, in particular, the non-execution of court decisions rendered against public (national, regional of local) authorities, it might be interesting, in order to better assess the situation in the member states, to comment specifically on this situation, if you consider it as a major issue in your country.

Question 183 – What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3

The previous evaluation rounds have proven that all the countries have in their legislation a possibility for complaints which can be filed by users against enforcement agents. The answers should provide more information on the reasons of such complaints and if a quality policy has been defined for the enforcement agents.

Question 185 – Is there a system measuring the length of enforcement procedures

This question refers to the implementation of a statistical system enabling to indicate, in number of days for example, the length of the enforcement procedure as such, from the time the parties receive the decision. Please explain in the comment your system for measuring length of this procedure or reasons for not tracking these statistics (for example one of the reasons for the difficulty to keep a statistical data base in this field can be that, in civil matters, the execution of the decision depends on the will of the winning party).

Question 186 – Regarding a decision on debt collection, please estimate the average timeframe to serve and/or notify the decision to the parties who live in the city where the court sits (one option only)

The aim of this question is to compare the situation between countries concerning the notification of the judicial decision enabling the enforcement procedure to begin.

Question 187 – Number of disciplinary proceedings initiated against enforcement agents
Question 188 – Number of sanctions pronounced against enforcement agents

The terms: *breach of ethical standards, professional inadequacy and criminal offence* refer to acts susceptible to lead to disciplinary proceedings being brought against the enforcement agent. Please complete the list if appropriate. Idem regarding the different types of sanctions possible (for example *reprimand, suspension, withdrawal from case, fine*).

8.2 Execution of decisions in criminal matters

8.2.1 Functioning of the execution in criminal matters

Questions 189 – Which authority is in charge of the enforcement of judgments in criminal matters (multiple replies possible)?

Depending on the system, different authorities can be in charge for execution of judgments in criminal matters. Please select one or more replies from the list of authorities and specify in the comment what exact functions and duties they have. If the competent institution from your system is not listed, please select “Other authority” and provide details in the comment.

Question 190 – Are the effective recovery rates of fines decided by a criminal court evaluated by studies?
Question 191 – If yes, what is the recovery rate?

These questions are related to fines and not to criminal asset recovery. They should be understood as how many imposed fines are in fact enforced in criminal proceedings, in the reference year, and studies thereto related.

9. Notaries

9.1 Profession of notary

9.1.1 Number, status and mandate of notaries

Please note that there are two different categories of “notaries”. An important distinction must be made between “*civil law* notaries” in continental civil law States and “notaries *public*” in common law States, who do not have neither the same competences and functions nor the same level of legal training.

Questions 192 – 196-2 aim to gain insight into the status of the notarial function within various systems. However, these questions are developed on the basis of a concept of ”civil law notaries”. If some of them are not applicable to your system, please fill out the questionnaire by selecting appropriate answers (e.g. NAP or “Other”) and explaining your specific situation in the comments.

A civil law notary is a legal professional who has been entrusted by the State with public functions such as the safeguarding of the freedom of consent and the protection of the rightful interests of individuals, including consumers. The specific intervention of the civil law notary uplifts legal acts to the rank of authentic instruments.
As a guarantor of legal certainty, the civil law notary has an important role to play in limiting litigation between parties. Thereby, he/she is a major actor in the civil law system of preventive administration of justice.

Question 192 – Number and status of notaries in your country

This question aims to gain insight into the status of the notarial function within various systems. It differentiates systems:

- where the notary practices a fully private *function*, offers purely *private* services without any public authority and no public supervision (first choice; might be applicable to "notaries public"),
- those where the notary is the holder of a public office who exercises a public function and is appointed by the State. Thus, he/she is subject to supervision by public authorities (for instance the Ministry of Justice) and exercises his/her functions in a regulated environment even though precisely speaking he/she is not a civil servant (second choice),
- and systems where the notary executes their duties as a civil servant, being employed by the State (third choice).

If none of the above options describes your system, please indicate "other" and specify the status.

This question also aims to gain insight into the gender balance within the profession.

Question 192-1 – What are the access conditions to the profession of notary (multiple replies possible)

Please answer by selecting all the options applicable to your system (multiple replies possible):

"diploma" should be selected if graduation from university (law school) is an access condition;
"professional experience" should be understood as any previous work in the legal area, such as working in a notary office, law office, working as a lawyer or in a court or similar;
"specific exam" should be understood as any exam particular to the notaries, aimed at assessing their competences before entering the profession;
"appointment procedure by the State" should be selected if your system requires an appointment procedure which involves participation of state bodies at some stage (ex. divided competences of the professional association and the Ministry of Justice);
"Initial training" should be understood as a specific professional training aimed at raising notaries' competences and mandatory required for every notary to complete.

If you selected option "Other", please provide more details in the comment.

Question 192-2 – Are notaries appointed to office for an undetermined period (i.e., "for life" = until the official age of retirement)?

An appointment for an undetermined period means that notaries are appointed for 'life' (until their official age of retirement) and cannot be removed from office (unless severe disciplinary proceedings/sanctions against a notary are ordered, knowing that the most severe sanction is a dismissal or cancelation of their licence).

9.1.2 Activities/scope of competences

Question 194 – What kind of activities do notaries perform (multiple replies possible)

The activities notaries perform vary considerably from one State (or local area) to another. Please find below explanations about the various activities notaries perform. Please note that most notaries, in particular civil law notaries, perform multiple activities.

Please note that other public authorities or professionals, such as judges or administrative authorities may have competences in the same fields, too. This may go for both authentication and certification procedures. Since a notarial instrument is, as a rule, considered to be a *public document*, it is common that other *public authorities* are authorised to draw up such public documents as well.

- ***Authentication*** is the formal drawing up or receiving and recording of a legal act by a civil law notary. Through authentication, the act becomes an *authentic instrument*. Authenticating acts is one of the main competences of civil law notaries.

  By authenticating an act, the civil law notary guarantees (i) the identity of the parties involved, (ii) their legal and mental capacity and (iii) the genuineness of their signatures.
  However, his/her contribution is not limited to these aspects since the civil law notary as an independent, objective and impartial adviser to all parties involved also ensures that the parties are (iv) comprehensively informed about the content and the consequences of the authentic instrument, a task in particular important with regard to consumer protection. In addition, the civil law notary (v) examines the intentions of the parties also in full respect of anti-money laundering regulations, (vi) drafts the contracts or other instruments necessary to carry out the intended transaction and (vii) ensures the lawfulness of the content (*legality control*) for which he/she can be held responsible by the parties.
  Therefore, by authenticating an act, the civil law notary takes full responsibility for the validity of the legal act as a whole and not only for the parties' signatures.

- ***Certification of signatures*** is the confirmation of the genuineness of the signature of a person appearing in front of the notary.
  The certification itself consists of an *attestation* that the signature subscribed to an act or a document of any kind is indeed that of the person purporting to have signed it. Certified documents are not to be confused with *authentic instruments*, since the "*authenticity*" is limited to the genuineness of the signature and the signatory's identity and does, at least in general, not comprise the content or other aspects of the document.
  In order to certify the signature, the notary signs the document or an attached document confirming the genuineness of the signature and the signatory's identity.

  The procedural law of many States, in particular of those with a civil law notary system, requires that applications to public registers shall be in certified form in order to ensure the applicant's identity and thus improve the register's accuracy. In this case, the notary is not only obliged to certify the applicant's signature but also to perform a legality control of the submitted document in order to unburden the register from such legality check.

  Additionally, it should be noted that when civil law notaries certify signatures, the certification might also entail the check of legal capacity of the parties involved and, at least insofar as to prevent abuse, the examination of the content of the document submitted for certification.

  Concerning ***Legalisation of signatures / Apostille*** it is worth recalling that in view of abolishing the requirement of legalisation for foreign public documents, the Hague Convention of 5 October 1961 was concluded. In applying the Convention, each Contracting State shall exempt from legalisation documents to which the Convention applies and which have to be produced in its territory. Among these official documents that enjoy this exemption are notarial instruments, issued by civil law notaries. Between Contracting States, the Apostille is the only formality required to certify the authenticity of the signature, the capacity in which the person signing the document has acted and, where appropriate, the identity of the seal or stamp which it bears. As a procedure, placing the Apostille is a formality that comes only after the valid conclusion of the deed, its purpose being described above and it doesn't refer neither to the content of the deed nor to the procedure used by the notary in the instrumentation of the deed. In certain States,

placing the Apostille on official deeds instrumented by notaries falls within their capacity, competence being exercised by the notarial professional organisations.

- ***Mediation*** is a structured dispute resolution process in which the notary as a neutral and independent third party assists the parties in facilitating the communication between them in order to help them resolve their difficulties and reach an agreement.

  In some States, notaries are designated as mediators because they are competent to work out a legally binding agreement with the parties which can be put in writing, even in the form of an enforcement title and thus help ending the conflict in a timely manner.

- ***Taking of oaths*** is the receiving and recording of an oath sworn by a person in the presence of an authority.

  In some States, notaries are designated as authorities competent for the taking of oaths. Among other areas, this can concern oaths about the non-existence of public documents (e.g. loss of driver's licence) or the non-existence of descendants or relating to the marital status.

- ***Non-contentious judicial procedures*** are procedures for which the competence may be transferred from the judiciary to notaries. This mostly includes procedures in areas of law where notaries already have certain competences, e.g. succession law or family law.

  In some States, applications for specific judicial procedures can be filed both at a notary or at the competent court. This includes, for instance, applications for inheritance certificates or applications for child adoptions. In these scenarios, the civil law notary informs the applicants about the legal requirements of the procedure, checks these requirements and submits accurate documents to the courts where the proceedings take place.

  In some States, civil law notaries are not only competent for specific measures at the beginning of a judicial procedure but they are entitled to conduct the judicial procedure themselves.

  Additionally, in some States, civil law notaries perform divorce in non-contentious cases and/or are competent for proceedings aiming at the division of an estate among the heirs.

- ***Act as civil servants;*** in some States, civil law notaries perform activities which are also performed, or which were originally performed by civil servants outside the field of the judiciary. For example, in some States, notaries are competent for performing marriages or registered partnerships. In these cases, notaries help to unburden the public administration.

- ***Other judicial functions*** are for example payment orders sent to the debtor by application of the creditor via a judicial authority. In many States, payment orders are a first procedural step in order for the creditor to obtain an enforcement title. Whereas in some States, the courts are competent for issuing payment orders, other States have charged the notaries with this task. Please note that if civil law notaries are charged with this task, the claim that justifies the payment order does not need to be based on an authentic instrument but can be of any nature.

- ***Public auctions*** mostly concern auctions of real estate property. The public auction is a structured procedure lead by the auctioneer in which the bidders submit their offers for the property to the auctioneer who accepts the highest bid.
  In some States, civil law notaries are designated as auctioneers.

- ***Others*** Please check "Others" if you are aware of other tasks notaries perform in your State. In some States, notaries play a major role in collecting taxes for the State unburdening the tax and financial administration. In other States, the notarial professional organisations run registers, e.g. for last wills or powers of attorney.

Please check the box if one of the abovementioned or a comparable procedure applies for your State and give a short explanation.

Question 194-2 – In which areas of law do notaries perform their activities (multiple replies possible)?

Notaries have a broad field of activities not being limited to one certain area of law. Please state the main areas of law in which notaries perform their activities within your system.

9.1.3 ICT, organisation of the profession and training

Question 194-3 – Do notaries use specialised ICT systems in their activity?

ICT should be understood as referring to specific tools (mostly online) of a higher technical level with regard to safety and data protection (*not* telephone and regular e-mail).

When it comes to "relations with the State", the focus is on the connectivity between the notarial function and State authorities via online tools.

When it comes to "relations with clients" and "relations with other notaries", communication is in most cases conducted through online communication platforms with secure access for the user and different access points for notaries on the one hand and clients on the other.

Question 194-4 – Which computerised registries can notaries consult?

In some States, notaries can consult certain registries in order to use the available information in his/her notarial practice.
Information which is made available/sent to or received from the registers can be of different kinds: e.g. facts (e.g. ownership), documents (e.g. transaction contract) in various form (electronic or paper based, certified or simple copies).

Question 194-5 – Are there registries / registry infrastructures run by the notaries?

The notion of "running a register" can involve responsibility, financial aspects or technical operation.

Question 194-6 – In which computerised registries can notaries modify data *(*either directly or by submitting an online request)?

In some States, the notary can make entries in the relevant registers him/herself, but there are also States where the notary does not make entries in the register him/herself but asks the competent authority to do so. In both cases the notary is at the origin of the request for modification and bears the responsibility for it but two situations (in two columns) should be differentiated on the basis of notaries' access rights

Question 194-7 – What ICT tools are used by notaries in their relations with clients?

<u>Videoconferencing:</u>

Many notariats provide videoconferencing solutions to their clients in order to offer consultations. While some notariats developed their own technical solutions, others refer to videoconferencing systems available on the market. In both cases, professional secrecy and the confidentiality of the exchanges are guaranteed. Please tick this box if one of the aforementioned solutions exists in your State.

<u>Digital act:</u>

The notion of "digital act" refers to the form of the original notarial document. The question focuses on the original instrument in electronic form with the same value as a paper instrument and whether this possibility exists in the

different States. This does not necessarily mean that the procedure has to take place remotely.

Digital identification:

Digital identification signifies a person's identification by electronic means through the notary. In order to ensure the highest level of legal security of the transaction, in most States videoconferencing procedures are combined with electronic identification ("eID") procedures.

Digital archiving:

Digital archiving can refer to both paper archives kept in electronic form (scan of documents) at the notary's office and forwarded to a central archive/a court and original/genuine electronic notarial instruments that are automatically registered in a central archive.

Question 194-8 – Who is responsible to run the digital archives?

The notion of "running an archive" can involve responsibility, financial aspects or technical operation.

Question 195 – Is there an authority entrusted with supervising and monitoring the notaries' work?
Question 196 – If yes, which authority is responsible for supervising and monitoring notaries (multiple options possible)?

In particular in those States where notaries exercise public functions, supervision is an essential element for the effective functioning of the notarial system.

Depending on the status of notaries, various supervising and monitoring bodies and authorities may exist. In some States the competence to supervise notaries is shared among the professional bodies and other authorities. If another or no authority is entrusted with supervising and monitoring, please specify in the comment.

Question 196-2 – Do notaries have training on

This question relates to the content of notarial training courses, in particular assessing if they cover European law or comparative law elements. Both, courses fully or partly dedicated to European law or comparative law may be considered, be it mandatory or optional.

10. Judicial experts

10.1 Profession of judicial expert

10.1.1 Status of judicial expert

Question 202 – In your system, what types of judicial experts can participate in judicial procedures (multiple replies possible)

The role and function of experts are very different depending on their position within the procedure, which varies especially between continental and common law systems.

There is a need to differentiate several types of experts:

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

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

If your system cannot be described by any of the above categories, please choose “Other system of judicial expertise” and explain in the comment.

For more reference, please see: CEPEJ Guidelines on the role of court-appointed experts in judicial proceedings of Council of Europe’s Member States (CEPEJ(2014)14 available at https://rm.coe.int/168074827a).

Question 202-1 – Are there lists or any other form of official registration for judicial experts?
Question 202-1-1 – If yes, at which level is the list established (multiple replies possible)
Question 202-1-2 – Are these lists publicly available?
Question 202-2 – Which authority is competent for the registration of judicial experts?
Question 202-3 – Is the registration of judicial experts limited in time?

Questions 202-1 to 202-3 have been added to analyse in more detail and compare the systems of registration of experts, such as registration on a list or any other equivalent system (e.g. licencing) which exists in various jurisdictions.

Question 202-4 – Can an expert who is not on the list or not registered be appointed in a case?

To capture the differences between systems, it is important to know whether an unregistered expert can be appointed in a case or not.

Question 203 – Is the title of judicial experts protected?

"Protected title" means that a person cannot claim the title of expert of his/her own, without the benefit of an agreement or another form of official recognition, which may be given by the court or by an administrative body, for example on the basis of diploma or tests, and sometimes of an oath.

Question 204 – Is the function of judicial expert regulated by legal norms?

Please indicate “yes” if the status, role, fees, or any activity of the experts are regulated by laws or bylaws in your system. Please describe in the comments.

Question 204-1 – On the occasion of a task entrusted to him/her, does the judicial expert have to report any potential conflicts of interest?

This question relates to the duty to report potential conflicts of interests by the judicial expert. You should answer positively if the expert needs to report, for example, that s/he is or was related to or affiliated with any of the parties in the dispute.

Question 205 – Number of accredited or registered judicial experts

Please indicate the number of accredited or registered experts, either by courts or by another authority. The objective of this request is to have an objective basis for counting the number of judicial experts. Please specify your data sources for evaluating these figures and the methodology used.

Question 206-1 – Number of cases where an expert opinion was ordered by a judge or requested by the parties

When indicating the number of cases where expert opinion was ordered by a judge or requested by the parties, please count only the number of court cases regardless of the number of expertise requested in each case (for example, if three expert opinions were provided within one civil proceeding, please count this as one court case).

Please indicate the method used to estimate this number and, if appropriate, differences between methodology of estimating this figure on a local and national level.

Question 205-1 – Who defines the amount of the expert remuneration?

Please select replies which explain the best your system regarding expert remunerations, separately for civil/administrative cases on the one side, and criminal cases on the other. For example, fees may be defined or recommended by law/bylaw or special regulation, set by the court/judge, defined by a ministry, determined based on a public official's salary, may be freely agreed with the parties, or there may be a combination of different elements. If some other options are applicable to your system, please select "Other" and provide detalis in the comment.

Question 206 – Are there binding provisions for judicial experts regarding

Experts may be, for example, obliged to deliver their written or oral expert opinions within a time specified by the court or a regulation.

Question 207-1 – Does the judge or another body control the progress of the expertise?

The question aims to gain insight into the role of the judge or another body in controlling of the progress of conducting of the expertise i.e. the judicial control of the progress of the work of experts. Please indicate in the general comments how judges or another body control the work of experts in terms of timeframes, accuracy and precision of expertise, etc.

Question 207-2 – Are judicial experts' associations involved in

The judicial experts' associations can be entrusted with different competences. This question focuses on three very important segments: selection process, initial or continuous training, and disciplinary procedure. Please answer affirmatively even if the association is involved only in one of the stages of these activities (for example only conducts specific exams of potential candidates in the selections process, although other authority makes the final selection) or shares competences with other authorities (for example organizes trainings jointly with the judicial training academy).

11. Reforms in judiciary

11.1 Foreseen reforms

11.1.1 Reforms

Question 208 – Can you provide information on the current debate in your country regarding the functioning of justice? Are there undergoing or foreseen reforms?

As a conclusion, this question offers the possibility to indicate general or more specific information on the reforms on-going and planned to be carried out to improve the quality and the efficiency of justice. Please try to classify the presented reforms in the proposed categories.

The question is structured in such way that for each category, four answers are possible:

1. Yes (planned) – reforms are just at the stage of a proposal, public discussion, drafting a concrete official document (strategy, law etc) or similar;
2. Yes (adopted) – reforms are at the stage in which an official document (strategy, law etc) has been adopted but is still not implemented;
3. Yes (implemented during year of reference +1) **–** the reform has been implemented on the basis of adopted official document; this option could be selected even if implementation has just started and has not been fully finalized during year of reference +1

4. No – there is still no official plans of reforms.

If any of the three “Yes” answers have been selected, please provide more details in the comment box. If strategies on the judiciary are adopted or implemented, please provide links to the texts of the official documents, if available.