GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION I

TABLE OF CONTENTS

I. INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

- The Guide aims to establish a common conceptual framework and rules for data collection and reporting for the purpose of improving and harmonizing the statistical activity of the courts and, ultimately, court performance and efficiency. In this framework, judicial statistics are intended as management tools to be used for an efficient management, transparency and accountability of court activity.

- The Guide has been designed to provide a comprehensive set of reporting rules, case type definitions, and standard reporting tables. The terms used in the standardised tables are also defined to ensure comparable reporting at the different courts.

- Standard tables have been designed referring to the type of court by subject matter competence and by instance. The judicial power in Albania, is exercised through: District Courts; Appeal Courts, and the High Court (Art. 135 of the Constitution). In addition, specialized jurisdiction is exercised through: the Administrative courts of first instance and Appeal; and the Special courts of first instance and Appeal on corruption and organised crime (Article 135/2 of the Constitution). The High Court adjudicates cases of the courts of general and specialized jurisdiction.

- Accordingly, the Guide contains tables for the <u>courts of first instance</u>, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); <u>courts of second instance</u>, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and <u>third instance</u>, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

- ▪ The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

II. GENERAL INSTRUCTIONS

- **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

- This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

- The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros). The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

- For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be

transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

- By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

- The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

- Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION I – INSTRUCTIONS FOR FIRST INSTANCE COURTS OF GENERAL JURISDICTION

For the court of first instance of general jurisdiction (judicial district court), 5 standard tables have been designed, as follows:

- Table No. 1 – Statistics on civil cases by type of case
- Table No. 2 – Statistics on criminal cases by type of case
- Table No. 3 – Statistics on court cases (total civil + criminal)
- Table No. 4 – Statistics on judges' caseload and productivity
- Table No. 5 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON CIVIL CASES BY TYPE OF CASE –

A. Types of cases

- District Courts are competent to adjudicate civil cases, which are generally divided in two main categories: "**Civil contentious cases**" (Row A) and "**Civil non-contentious cases**" (Row B). These two main categories can be further divided into other subcategories.

- Row A: The category "Civil contentious cases" comprises subcategory A.1 (General civil contentious), A.2 (Family contentious), A.3 (Commercial contentious), and A.4 (Employment)

- Row A.1: Within the category of "Civil contentious cases", the subcategory "**General civil contentious**" comprises the following:

    - Property claims, Article 149-231 Civil Code;

    - Partition of the co-owned object claim, Article 207 Civil Code;

    - Usufruct claim, Article 232-260 Civil Code;

    - Servitudes claim, Article 261-295 Civil Code;

    - Extinguishment of easements claims, Article 296-303 Civil Code;

    - Possession claim; Article 304-315 Civil Code;

    - Inheritance claim; Article 316-418 Civil Code;

    - Liability for causing the damage claim, Article 608-654 Civil Code;

    - Management of the others work claim, Article 648-652 Civil Code;

    - Non-obliged payment claims, Article 653-654 Civil Code;

- Benefitting without reason claim, Article 655-658 Civil Code;

- Specific contracts claim, Article 705-1161 Civil Code;

- Enforced execution claims, Article 511 Civil Procedure Code;

- Other claims.

▪ Row A.2: Within the category of "Civil contentious cases", the subcategory "**Family contentious**" comprises the following:

- Invalidity of the marriage, Article 43 Family Code;

- Dissolution of marriage based on period of Articles129- 131of Family Code
- Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
- Right of guardian to petition for divorce, Articles 141-144 of the Family Code

- Recognition or opposition to motherhood or paternity, Articles from 177-188 Family Code;

- Alimony between spouses, Article 199 Family Code;

- Alimony obligation to the child, Article 197 Family Code;

- Parental responsibility, Articles 227-228 Family Code;

- Immediate protection order according to the Law no. 9666, dt.18.12.2006 "On measures against domestic violence";

- Other claims.

▪ Row A.2.1: Within the category of "Civil contentious cases", and the subcategory "Family contentious", data on "**Divorce**" cases should be also reported separately. These comprise cases from the Family Code:

- Dissolution of marriage based on period of Articles129- 131of Family Code
- Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
- Right of guardian to petition for divorce, Articles 141-144 of the Family Code
▪ Row A.3: Within the category of "Civil contentious cases", the subcategory "**Commercial contentious**" comprises the following:

- Annulment of company claims, Article 3/1 of the Law no.9901, dt. 14.4.2008 "For traders and commercial companies";

- Compensation of administrator damage, Article 98 of the Law no.9901, dt. 14.4.2008 "For traders and commercial companies";

- Dividends claims, Article 129 of the Law no.9901, dt. 14.4.2008 "For traders and commercial companies";

- Supervisory Body responsibilities claims, Article 151 of the Law no.9901, dt. 14.4.2008 "For traders and commercial companies";

- Administrator Competences claim Article 95 and 98 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial companies";

- Dissolution of companies according to Law no.9901, dt. 14.4.2008 "For traders and commercial companies";

- Cases under the Law on Insolvency 110/2016

- Depreciation of checks, bills of exchange and other securities Articles 337-346 of Civil Procedure Code;

- Other claims.

- **Row A.3.1:** Within the category of" Civil Contentions cases" and the subcategory "Commercial Contentious", data on "**Insolvency**" should be also reported separately. These comprise cases under the Law on Insolvency 110/2016

- **Row A.4:** Within the category of "Civil contentious cases", the subcategory "**Employment**" comprises the following (Public employment is not included):

  - Compensation of damages

  - Dismissal, Article 143-15 Code of Labour

  - Other claims

- **Row A.4.1:** Within the category of "Civil Contentious" and the subcategory "Employment", data on "**Dismissal**" should also be reported separately. These comprise cases under:

  - Dismissal Article 143-15 Code of Labour

- **Row B:** The category "**Civil non-contentious cases**" comprises subcategory B.1 (General Civil non-contentious), B.2 (Family non-Contentious), and B.3 (Commercial non-contentious)

- **Row B.1:** Within the category of "Civil non-contentious cases", the subcategory "**General civil non-contentious**" comprises the following:

  - Securing the lawsuit, Article 202 and 204 of the Civil Procedure Code;

  - Securing of the evidence claims, Article 239 of the Civil Procedure Code;

  - Correction of mistakes claims, Article 312 of the Civil Procedure Code;

- Completion of decision claims, Article 313 of the Civil Procedure Code;

- Clarification and interpretation of decision claims, Article 314 of the Civil Procedure Code;

- Declaration of disappearance or death of a person (request, change or revocation) claims, Articles 375 and 379 of the Civil Procedure Code;

- Removal or limitation of capacity to act claims, Article 388-392 of the Civil Procedure Code;

- Court certification of the facts claims, Article 388 of the Civil Procedure Code;

- Request for legal aid in the civil field;

- Order of Execution, Article 511 of the Civil Procedure Code.

- Other requests

▪ Row B.2: Within the category of "Civil non-contentious cases", the subcategory "**Family non-contentious**" comprises the following:

- Adoption, Article 240-262 Family Code;

- Dissolution of marriage with the consent of both spouses, Article 125-128 Family Code;

- Administration of the minor's property, Article 286-Article 306 Family Code;

- Request for issuing of authorization (for children);

- Other requests

▪ Row B.3: Within the category of "Civil non-contentious cases", the subcategory "**Commercial non-contentious**" comprises the following:

- Insolvency according to the Law no. 110 / 2016, dated 27.10.2016 "On bankruptcy";

- Registration of NGO's according to the Law n.8789, dt.7.5.2001 "For the registration of non-profit organizations";

- Request for appointment of administrator;

- Request for re-naming the companies;

- Request for changing the number of partners according to the Law n.8789, dt.7.5.2001 "For the registration of non-profit organizations";

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- Request for changing the basic capital according to the Law n.8789, dt.7.5.2001 "For the registration of non-profit organizations";

- Request for changing the seat of the company according to the Law n.8789, dt.7.5.2001 "For the registration of non-profit organizations";

- Other requests

▪ Row C.: "**Total civil cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. Indicators

i. Case flow

▪ Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous reporting period.

▪ Column 2: **Incoming cases** present the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed on appeal.

▪ Column 3: **Total concluded cases** present the number of cases finalized within the reporting period, either through a decision on the merits or through any other decision which terminates the procedure. *Total concluded cases* should be equal to the sum of the figures in columns 4 and 6.

▪ Column 4: **Number of cases concluded with a decision on the merits** presents the number of cases finalized after a full examination of the case, with a decision of acceptance or rejection of the claim.

▪ Column 5: **Percentage of cases concluded with a decision on the merits** presents the ratio of cases finalized with a decision on the merits to the total of concluded cases.

▪ Column 6: **Number of cases concluded with other types of disposal** presents the number of cases finalized with any decision other than a decision on the merits (e.g. dismissal, lack of competence).

▪ Column 7: **Percentage of cases concluded with other types of disposal** presents the ratio of cases finalized with any decision other than a decision on the merits to the total of concluded cases.

- Column 8: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 9 and 3 and is calculated automatically in the Excel sheet.

- Column 9: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. Duration of concluded cases

- For the purpose of statistics on court performance and efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 10, 12, 14 and 16: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 11, 13, 15, 17: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of *Total concluded cases* in column 3.

- Columns 18, 19, 20: The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period, for the total and by type of disposal. The average duration of cases should be reported in days.

iii. Efficiency Indicators

- Column 21: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 22: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 23: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period, and that have not yet been concluded.

- Column 24: **Percentage of pending older than 2 years** is the ratio of these cases (Column 23) to the total of pending cases at the end (Column 8). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

- Column 25: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 26: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 25 to the *Total concluded cases* in Column 3.

TABLE 2 – STATISTICS ON CRIMINAL CASES BY TYPE OF CASE

A.   Types of cases

- District courts are competent to adjudicate criminal offences, except those which fall under the competence of Anti-corruption and Organized Crime Court.[1] Data on **Criminal Cases** is reported in two major case categories, **Crimes** (Row A.) and **Contraventions** (Row B.) in accordance with the articles of the Criminal Code and with other laws that provide for criminal sanctions. These two categories differ with respect to the dangerousness of the act and the length of the punishment. The qualification as crime or as contravention is specified in the Criminal Code.

- Row A: The category "Crimes" comprises subcategory A.1 (Homicide) and A.2 (Robbery), A.3 (Related to domestic violence) and A.4 (Involving Juvenile)

- Row A.1: Within the category of "Crimes", the sub-category "**Homicide**" comprises cases under Articles 76-85 of the Criminal Code.

- Row A.2: Within the category of "Crimes", the sub-category "**Robbery**" comprises cases under Articles 134-142 of the Criminal Code.

- Row A.3: Within the category of "Crimes", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row A.4: Within the category of "Crimes", the sub-category "**Involving Juveniles**" comprises cases under Articles 124, 124/a, 124/b 128/a, 128/b, 129 of the Criminal Code.

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[1] Article 74, Criminal Procedure Code

- Row B.1: Within the category of "Contraventions", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row B.2: Within the category of "Contraventions", the sub-category "**Involving Juveniles**" comprises cases under Articles 125,126,127, 128, 130 of the Criminal Code.

- Row C.: "**Total criminal cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B.   Indicators

i.   Case flow

- Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases** present the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed on appeal.

- Column 3: **Total concluded cases** is the number of cases finalized within the reporting period, either through a decision on the merits or through any other decision which terminates the procedure. *Total concluded cases* should be equal to the sum of the figures in columns 4 and 6.

- Column 4: **Number of cases concluded with a decision on the merits** presents the number of cases finalized after a full examination of the case, with a decision of acquittal or conviction. The cases finalized with the approval of the plea bargain (Article 406/d of the Cr.P.C) and the cases finalized with the approval of the criminal order as regards Contraventions (Article 406/a of the Cr.P.C) should not be reported here, but under Column 6.

- Column 5: **Percentage of cases concluded with a decision on the merits** presents the ratio of cases finalized with a decision on the merits to the total of concluded cases.

- Column 6: **Number of cases concluded with other types of disposal**, presents the number of cases finalized with any decision other than a decision on the merits (e.g. dismissal, lack of competence). The cases finalized with the approval of the plea bargain (Article 406/d of the Cr.P.C) and the cases finalized with the approval of the criminal order as regards Contraventions (Article 406/a of the Cr.P.C) should be reported here.

- Column 7: **Percentage of cases concluded with other types of disposal** presents the ratio of cases finalized with any decision other than a decision on the merits to the total of concluded cases.

- Column 8: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 9 and 3 and is calculated automatically in the Excel sheet.

- Column 9: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii.   *Duration of concluded cases*

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 10, 12, 14 and 16: The **Number** of concluded cases by duration shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 11, 13, 15, 17: The **Percentage** of concluded cases by duration is automatically calculated in these columns in the standard Excel sheet, as a share of the *Total concluded cases* in column 3.

- Columns 18, 19, 20: The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period, for the total and by type of disposal. The average duration of cases should be reported in days.

iii.   *Efficiency Indicators*

- Column 21: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 22: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 23: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 24: **Percentage of pending older than 2 years** is the ratio of these cases (Column 23) to the total of pending cases at the end (Column 8). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

- Column 25: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 26: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 25 to the *Total concluded cases* in Column 3.

TABLE 3 – STATISTICS ON COURT CASES (TOTAL CIVIL + CRIMINAL)

Table No. 3 is a summary table including data on *Case flow*, *Efficiency indicators* and *Hearings* for all cases dealt with by the court.

A. Types of cases

- In this table, the total of court cases comprises "**Civil cases**" (Row A.), "**Criminal cases**" (Row B.) and "**Criminal requests**" (Row D.).

- Row A.: The category "**Civil cases**", includes the sum of total contentious and non-contentious cases from Table No. 1

- Row B.: The category "**Criminal cases**", includes the sum of total crimes and contraventions from Table No. 2

- Row C. is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

- Row D.: The category "**Criminal requests**", includes all requests submitted during the preliminary investigation, preliminary hearings, execution phases and in the framework of foreign jurisdictional relations.

- Row E: "**Total**" of court cases is the sum of the figures indicated in C and D and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming** presents the number of cases filed in the court within the reporting period.

- Column 3: **Concluded** is the number of cases finalized within the reporting period.

- Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered* is the sum of figures in columns 1 and 2. Values in this column are automatically calculated in the Excel sheet.

ii. *Efficiency Indicators*

- Column 6: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 7: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and have not yet been concluded.

- Column 8: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 7) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iii. *Hearings*

- Column 9: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 10: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 9 to *Concluded cases* in Column 3.

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TABLE 4 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

Table No. 4 presents evidence on the average caseload and productivity of judges calculated for the total volume of cases in the court (i.e. the sum of civil cases, criminal cases, and criminal requests).

A. Indicators

- Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

- Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 3) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 3) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 3) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLE 5 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 5 presents the amount of civil contentious cases and criminal cases that are pending at the end of the reporting period, grouped according to established timeframes.

A. *Types of cases*

▪ The definitions of the types of cases are the same as those in Tables No. 1 and 2 of this Section.

▪ Row C: **"Total"** is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. *Indicators*

▪ Column 1: presents the total number of **Pending at the end** of the reporting period.

▪ Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

▪ Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

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ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION II

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III.   INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

- The Guide aims to establish a common conceptual framework and rules for data collection and reporting for the purpose of improving and harmonizing the statistical activity of the courts and, ultimately, court performance and efficiency. In this framework, judicial statistics are intended as management tools to be used for an efficient management, transparency and accountability of court activity.

- The Guide has been designed to provide a comprehensive set of reporting rules, case type definitions, and standard reporting tables. The terms used in the standardised tables are also defined to ensure comparable reporting at the different courts.

- Standard tables have been designed referring to the type of court by subject matter competence and by instance. The judicial power in Albania, is exercised through: District Courts; Appeal Courts, and the High Court (Art. 135 of the Constitution). In addition, specialized jurisdiction is exercised through: the Administrative courts of first instance and Appeal; and the Special courts of first instance and Appeal on corruption and organised crime (Article 135/2 of the Constitution). The High Court adjudicates cases of the courts of general and specialized jurisdiction.

- Accordingly, the Guide contains tables for the courts of first instance, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); courts of second instance, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and third instance, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

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- The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

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IV.   GENERAL INSTRUCTIONS

▪ **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

▪ **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

▪ Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

▪ This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

▪ The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros). The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

▪ For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be

transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

- By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

- The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

- Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION II - INSTRUCTIONS FOR FIRST INSTANCE ADMINISTRATIVE COURTS

For the first instance administrative court, 3 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on administrative cases by type of case

- Table No. 2 – Statistics on judges' caseload and productivity

- Table No. 3 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON ADMINISTRATIVE CASES BY TYPE OF CASE

A. Types of cases

- Administrative courts are considered specialized jurisdiction courts. Administrative cases are divided into two major categories: "**Administrative contentious cases**" (Row A) and "**Administrative non-contentious cases**" (Row B).

- Row A: The category "Administrative contentious ", comprises subcategory A.1 (General administrative) and A.2 (Employment).

- Row A.1: Within the category of "Administrative contentious cases", the sub-category "**General administrative**" comprises the following cases:

    - Disputes from administrative acts, normative subordinate legal acts and public administrative contracts, Article 7/a Law No.49/2012 "On administrative courts and adjudication of administrative disputes";

    - Unlawful interference or failure to act by the public organ, Article 7/b Law No.49/2012 "On administrative courts and adjudication of administrative disputes";

    - Disputes of competences between various administrative organs in the cases provided by the Code of Administrative Procedures, Article 7/c Law No.49/2012 "On administrative courts and adjudication of administrative disputes";

    - Claims according to article 17 Law No.49/2012 "On administrative courts and adjudication of administrative disputes".

    - Other claims

- Row A.2: Within the category of "Administrative contentious cases", the sub-category "**Employment**" comprises the following:

- Disputes in the field of labour relations of civil servants, judicial civil servants, civil servants of prosecution offices, and state servants whose labour relations are governed by special arrangements, under the organic law Article 7/ç of the Law No.49/2012 "On administrative courts and adjudication of administrative disputes"

- Row B: The category of "**Administrative non-contentious cases**", comprises the following:

  - Requests submitted by administrative organs for the examination of administrative infractions, Article 7/d of the Law No.49/2012 "On administrative courts and adjudication of administrative disputes";

  - Requests submitted by infringers for the substitution of the administrative sentence, Article 7/dh of the Law No.49/2012 "On administrative courts and adjudication of administrative disputes";

  - Correction of errors, completion of the decision, clarification and interpretation of the decision;

  - Securing the lawsuit according to article 28/2 of the Law No.49/2012 "On administrative courts and adjudication of administrative disputes".

  - Other requests

- Row C.: "**Total administrative cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. Indicators

i. Case flow

- Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases** present the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed on appeal.

- Column 3: **Total concluded cases** is the number of cases finalized within the reporting period, either through a decision on the merits or through any other decision which terminates the procedure. *Total concluded cases* should be equal to the sum of the figures in columns 4 and 6.

- Column 4: **Number of cases concluded with a decision on the merits** presents the number of cases finalized after a full examination of the case, with a decision of acceptance or rejection of the claim.

- Column 5: **Percentage of cases concluded with a decision on the merits** presents the ratio of cases finalized with a decision on the merits to the total of concluded cases.

- Column 6: **Number of cases concluded with other types of disposal** presents the number of cases finalized with any decision other than a decision on the merits (e.g. dismissal, lack of competence).

- Column 7: **Percentage of cases concluded with other types of disposal** presents the ratio of cases finalized with any decision other than a decision on the merits to the total of concluded cases to the total of concluded cases.

- Column 8: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 9 and 3 and is calculated automatically in the Excel sheet.

- Column 9: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. Duration of concluded cases

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 10, 12, 14 and 16: The **Number** of concluded cases by duration shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 11, 13, 15, 17: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Total concluded cases* in column 3.

- Columns 18, 19, 20: The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period for the total and by type of disposal. The average duration of cases should be reported in days.

iii. Efficiency Indicators

- Column 21: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a

percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 22: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 23: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 24: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 23) to the total of pending cases at the end (Column 8). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

- Column 25: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 26: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 25 to the *Total concluded cases* in Column 3.

TABLE 2 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

Table No. 2 presents evidence as regards the average caseload and productivity of judges calculated for the total administrative of cases in the court.

A. Indicators

- Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

▪ Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 1) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

▪ Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 1) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

▪ Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 9 in Table 1) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLE 3 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 3 presents the amount of administrative contentious cases that are pending at the end of the reporting period, grouped according to established timeframes.

A. *Types of cases*

▪ The definitions of the types of cases are the same as those in Table No. 1 of this Section.

B. *Indicators*

▪ Column 1: presents the total number of **Pending at the end** of the reporting period.

▪ Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

▪ Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION III

TABLE OF CONTENTS

V.   INTRODUCTION

▪ The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

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VI.   GENERAL INSTRUCTIONS

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- This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

- The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros).

The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

- For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

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- Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION III - INSTRUCTIONS FOR THE SPECIAL COURT OF FIRST INSTANCE ON CORRUPTION AND ORGANIZED CRIME

For the Special Court of first instance on Corruption and Organized Crime, 4 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on serious criminal cases by type of case
- Table No. 2 – Statistics on court cases (total criminal cases and criminal requests)
- Table No. 3 – Statistics on judges' caseload and productivity
- Table No. 4 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON SERIOUS CRIMINAL CASES BY TYPE OF CASE

A. Types of cases

- Special Court for Corruption and Organized Crime is a specialized jurisdiction court, who shall adjudicate the cases regarding organized and serious crimes and corruption. Article 75/a of the Criminal Procedure Code states all the cases which are included in the Courts' jurisdiction. Data on **Serious criminal cases** is reported in two major case categories, **Corruption** (in Row A.) and **Organized Crime** (in Row B.) in accordance with the articles of the Criminal Code and with other laws that provide for criminal sanctions.

- Row A.: The category of "**Organized and serious crime**", comprises any crime committed by structured criminal group, criminal organisation, terrorist organisation and armed gang. It comprises the following:

  - Illegal sale and purchase of organs, Article 89/a of Criminal Code

  - Trafficking in adult persons, Article 110/a of Criminal Code

  - Trafficking of Minors, Article 128/b of Criminal Code

  - Acts of terrorist intention, Article 230 of Criminal Code

  - Financing of terrorism Article 230/a of Criminal Code

  - Concealing of funds and other property that finance terrorism, Article 230/b of Criminal Code

  - Disclosure of information by persons who perform public functions or persons exercising a duty or profession Article 230/c of Criminal Code

  - Performance of services and actions with declared persons Article 230/ç of Criminal Code

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- Collection of funds for financing of terrorism Article 230/d of Criminal Code

- Recruitment of persons for committing acts with terrorist intentions or financing of terrorism Article 231 of Criminal Code

- Training to commit acts of terrorist intentions Article 232 of Criminal Code

- Incitement, public calls and propaganda for committing acts with terrorist intentions Article 232/a of Criminal Code

- Threating to commit crimes of terrorist intentions Article 232/b of Criminal Code

- Creating armed crowds Article 233 of Criminal Code

- Manufacturing military weapons Article 234 of Criminal Code

- Terrorist organizations Article 234/a of Criminal Code

- Armed gangs Article 234/b of Criminal Code

- Manufacture and illegal possession of firearms and ammunition Article 278

- Trafficking of weapons and ammunition Article 278/a

- Production and sale of narcotics Article 283

- Trafficking of narcotics Article 283/a

- Facilitation of drugs intake and use Article 283/b

- Cultivation of narcotic plants Article 284

- Organizing and leading criminal organizations Article 284/a

- Production and manufacturing of narcotic and psychotropic substances Article 284/c

- Production, trade and illegal use of precursors Article 284/ç

- Laundering the Proceeds of Criminal Offence or Criminal Activity Article 287

- Criminal organizations Article 333

- The structured criminal group Article 333/a

- Commission of criminal offences by the criminal organizations and structured criminal groups Article 334, etc.

▪ Row B.: The category of "**Corruption**", comprises the following:

- Active corruption of persons exercising public functions, Article 244 of the Criminal Code

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- Active Corruption of Foreign Public Officials, Article 244/a of the Criminal Code

- Active corruption of the high state official and of the local elected/representatives Article 245 of the Criminal Code

- Exercising unlawful influence on public officials, Article 245/1 of the Criminal Code

- Illegal benefit of interests Article 257 of the Criminal Code

- Breaching the equality of participants in public bids or auctions Article 258 of the Criminal Code

- Passive corruption Article 259 of the Criminal Code

- Passive Corruption of Foreign Public Officials Article 259/a of the Criminal Code

- Passive corruption by High State Officials or local elected officials Article 260 of the Criminal Code

- Active corruption of the witness, expert or interpreter Article 312 of the Criminal Code

- Active corruption of the judge, prosecutor and of other justice official Article 319 of the Criminal Code

- Active Corruption of a Judge or Official of International Court Article 319/a of the Criminal Code

- Active Corruption of a Domestic and Foreign Arbitrator, Article 319/b of the Criminal Code

- Active Corruption of Members of the Foreign Court Juries, Article319/c of the Criminal Code

- Passive corruption of the judges, prosecutor and of other Justice official, Article 319/ç of the Criminal Code

- Passive Corruption of a Judge or Official of International Courts, Article 319/d of the Criminal Code

- Passive Corruption of a Domestic and Foreign Arbitrator, Article 319/dh of the Criminal Code

- Passive Corruption of Members of the Foreign Court Juries, Article 319/e of the Criminal Code

- Row C.: "**Total criminal cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

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B. Indicators

i.   Case flow

▪ Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed on appeal.

▪ Column 3: **Total concluded cases** is the number of cases finalized within the reporting period, either through a decision on the merits or through any other decision which terminates the procedure. *Total concluded cases* should be equal to the sum of the figures in columns 4 and 6.

▪ Column 4: **Number of cases concluded with a decision on the merits**, presents the number of cases finalized after a full examination of the case, with a decision of acquittal or conviction. The cases finalized with the approval of the plea bargain (Article 406/d of the Cr.P.C.) should not be reported here but under Column 6.

▪ Column 5: **Percentage of cases concluded with a decision on the merits**, presents the ratio of cases finalized with a decision on the merits to the total of concluded cases.

▪ Column 6: **Number of cases concluded with other types of disposal** presents the number of cases finalized with any decision other than a decision on the merits (e.g. dismissal, lack of competence).

▪ Column 7: **Percentage of cases concluded with other types of disposal** presents the ratio of cases finalized with any decision other than a decision on the merits to the total of concluded cases.

▪ Column 8: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 9 and 3 and is calculated automatically in the Excel sheet.

▪ Column 9: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii.   Duration of concluded cases

▪ For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of

submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

▪ Columns 10, 12, 14 and 16: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

▪ Columns 11, 13, 15, 17: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Total concluded cases* in column 3.

▪ Columns 18, 19, 20: The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period, for the total and by type of disposal. The average duration of cases should be reported in days.

iii. Efficiency Indicators

▪ Column 21: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

▪ Column 22: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

▪ Column 23: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

▪ Column 24: **Percentage of pending older than 2 years** is the ratio of these cases (Column 23) to the total of pending cases at the end (Column 8). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

▪ Column 25: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

▪ Column 26: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 25 to the *Total concluded cases* in Column 3.

TABLE 2 – STATISTICS ON TOTAL COURT CASES (CRIMINAL CASES AND CRIMINAL REQUESTS)

A. *Types of cases*

- In this table, the total of court cases comprises "**Criminal cases**" (Row A) and "**Criminal requests**" (Row B).

- Row A.: The category "**Criminal cases**", includes the sum of total crimes from Table 1 in this Section.

- Row B.: The category "**Criminal requests**", includes all requests submitted during the preliminary investigation, preliminary hearing, execution phases and those in the framework of foreign jurisdictional relations.

- Row C.: "**Total**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming**, presents the number of cases filed in the court within the reporting period.

- Column 3: **Concluded** is the number of cases finalized within the reporting period.

- Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered* is the sum of figures in columns 1 and 2. Values in this column are automatically calculated in the Excel sheet.

ii. *Efficiency Indicators*

- Column 6: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 7: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and have not yet been concluded.

- Column 8: **Percentage of pending older than 2 years**, is the ratio of these cases to the total of pending cases (Column 7) at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iii. Hearings

- Column 9: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 10: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 9 to the *Concluded* cases in Column 3.

TABLE 3 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

A. Indicators

- Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

- Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 2) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the

number of concluded cases during the reporting period (Column 3 in Table 2) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

▪ Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 2) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLE 4 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 4 presents the amount of cases that are pending at the end of the reporting period, grouped according to established timeframes.

A. Types of cases

▪ The definitions of the types of cases are the same as those in Table No. 1 of this Section.

B. Indicators

▪ Column 1: presents the total number of **Pending at the end** of the reporting period.

▪ Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

▪ Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION IV

TABLE OF CONTENTS

VII.   INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

- The Guide aims to establish a common conceptual framework and rules for data collection and reporting for the purpose of improving and harmonizing the statistical activity of the courts and, ultimately, court performance and efficiency. In this framework, judicial statistics are intended as management tools to be used for an efficient management, transparency and accountability of court activity.

- The Guide has been designed to provide a comprehensive set of reporting rules, case type definitions, and standard reporting tables. The terms used in the standardised tables are also defined to ensure comparable reporting at the different courts.

- Standard tables have been designed referring to the type of court by subject matter competence and by instance. The judicial power in Albania, is exercised through: District Courts; Appeal Courts, and the High Court (Art. 135 of the Constitution). In addition, specialized jurisdiction is exercised through: the Administrative courts of first instance and Appeal; and the Special courts of first instance and Appeal on corruption and organised crime (Article 135/2 of the Constitution). The High Court adjudicates cases of the courts of general and specialized jurisdiction.

- Accordingly, the Guide contains tables for the <u>courts of first instance</u>, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); <u>courts of second instance</u>, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and <u>third instance</u>, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

- The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

VIII. GENERAL INSTRUCTIONS

- **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

- This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

- The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros).

The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

▪ For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

▪ By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

▪ The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

▪ Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION IV - INSTRUCTIONS FOR APPEAL COURTS OF GENERAL JURISDICTION

For the appeal courts of general jurisdiction, 8 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on civil cases by type of case
- Table No. 2 – Statistics on criminal cases by type of case
- Table No. 3 – Statistics on court cases (total civil + criminal)
- Table No. 4– Statistics on judges' caseload and productivity
- Table No. 5 – Statistics on appeal civil cases by court of first instance
- Table No. 6 – Statistics on appeal criminal cases by court of first instance
- Table No. 7 – Statistics on appeal cases by court of first instance (total criminal and civil cases)
- Table No. 8 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON CIVIL CASES BY TYPE OF CASE

A. Types of cases

- Row A: The category "Civil contentious cases" comprises subcategory A.1 (General civil contentious), A.2 (Family contentious), A.3 (Commercial Contentious), A. 4 (Employment).

- Row A.1: Within the category of "Civil contentious cases", the subcategory "**General civil contentious**" comprises the following:

  - Property claims, Article 149-231 Civil Code

  - Partition of the co-owned object claim, Article 207 Civil Code

  - Usufruct claim, Article 232-260 Civil Code

  - Servitudes claim, Article 261-295 Civil Code

  - Extinguishment of easements claims, Article 296-303 Civil Code

  - Possession claim, Article 304-315 Civil Code

  - Inheritance claim, Article 316-418 Civil Code

  - Liability for causing the damage claim, Article 608-654 Civil Code

  - Management of the others work claim, Article 648-652 Civil Code

- Non-obliged payment claims, Article 653-654 Civil Code

- Benefitting without reason claim, Article 655-658 Civil Code

- Specific contracts claim, Article 705-1161 Civil Code

- Any other contractual claim

- Enforced execution claims, Article 511 Civil Procedure Code

- Unfair imprisonment compensation claims

- Other claims

- Row A.2: Within the category of "Civil contentious cases", the subcategory "**Family contentious**" comprises the following:

    - Invalidity of the marriage, Article 43 Family Code

    - Recognition or opposition to motherhood or paternity, Articles from 177-188 Family Code

    - Alimony between spouses, Article 199 Family Code

    - Dissolution of marriage based on period of Articles 129- 131 of Family Code
    - Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
    - Right of guardian to petition for divorce, Articles 141-144 of the Family Code
    - Alimony obligation to the child, Article 197 Family Code

    - Parental responsibility, Articles 227-228 Family Code

    - Immediate protection order/ Protection order according to the Law no. 9666, dt.18.12.2006 "On measures against domestic violence."

    - Other claims

- Row A.2.1: Within the category of "Civil contentious cases", and the subcategory "Family contentious", data on "**Divorce**" cases should be also reported separately. These comprise:

    - Dissolution of marriage based on period of Articles 129- 131of Family Code
    - Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
    - Right of guardian to petition for divorce, Articles 141-144 of the Family Code

- Row A.3: Within the category of "Civil contentious cases", the subcategory "**Commercial contentious**" comprises the following:

    - Cases between the right of the partners

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- Annulment of company claims, Article 3/1 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial companies"

- Compensation of administrator damage, Article 98 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial companies"

- Dividends Claims, Article 129 of the Law no.9901, dt. 14.4.2008 "For traders and commercial societies"

- Supervisory Body responsibilities claims, Article 151 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial companies"

- Administrator Competences claim, Article 95 and 98 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial companies"

- Dissolution of companies according to Law no. 9901, dt. 14.4.2008 "For traders and commercial companies"

- Cases under the Law on Insolvency 110/2016.

- Depreciation of checks, bills of exchange and other securities Articles 337-346 of Civil Procedure Code

- Others claims

- Row A.3.1: Within the category of" Civil Contentions cases" and subcategory "Commercial Contentious", data on "**Insolvency**" should also be reposted separately. These comprise cases under the Law on Insolvency 110/2016.

- Row A.4: Within the category of "Civil contentious cases", the subcategory "**Employment**" comprises the following:

  - Compensation of damages

  - Dismissal, Article 143-15 of Code of Labour

  - Other claims

- Row A.4.1: Within the category of "Civil Contentious" and subcategory "Employment", data on "Dismissal" should also be reported separately. These comprise cases under:

  - Dismissal, Article 143-15 of Code of Labour

- Row B.: The category "Civil non-contentious" comprises subcategories B.1 (General civil non-contentious), B.2. (Family non-contentious) and B.3 (Commercial non-contentious)

- Row B.1: Within the category of "Civil non-contentious cases", the subcategory "**General civil non-contentious**" comprises the following:

  - Securing the lawsuit, Article 202 and 204 of the Civil Procedure Code

- Securing of the evidence claims, Article 239 of the Civil Procedure Code

- Correction of mistakes claims, Article 312 of the Civil Procedure Code

- Completion of decision claims, Article 313 of the Civil Procedure Code

- Clarification and interpretation of decision claims, Article 314 of the Civil Procedure Code

- Declaration of disappearance or death of a person (request, change or revocation) claims, Articles 375 and 379 of the Civil Procedure Code

- Removal or limitation of capacity to act claims, Article 388-392 of the Civil Procedure Code

- Court certification of the facts claims, Article 388 of the Civil Procedure Code

- Request for legal aid in the civil field

- Order of Execution, Article 511 of the Civil Procedure Code

- Other requests

▪ Row B.2: Within the category of "Civil non-contentious cases", the subcategory "**Family non-contentious**" comprises the following:

- Adoption, Article 240-262 of the Family Code

- Dissolution of marriage with the consent of both spouses, Article 125-128 of the Family Code

- Administration of the minor's property, Article 286-Article 306 of the Family Code

- Request for issuing of authorization (for children)

- Other requests

▪ Row B.3: Within the category of "Civil non-contentious cases", the subcategory "**Commercial non-contentious**" comprises the following:

- Insolvency according to the Law no. 110/2016, dated 27.10.2016 "On bankruptcy"

- Registration of NGO's according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Request for appointment of administrator

- Request for re-naming the companies

- Request for changing the number of partners according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

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- Request for changing the basic capital according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Request for changing the seat of the company according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Other requests

▪ Row C.: "**Total civil cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B.   Indicators

i.   Case flow

▪ Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed in the High Court.

▪ Column 3: **Concluded cases** is the number of cases finalized within the reporting period.

▪ Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet

▪ Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii.   Duration of concluded cases

▪ For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

▪ Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9, 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet as a share of the *Concluded cases* in column 3.

- Column 14: The **Average duration** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii. *Efficiency Indicators*

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of the pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv. *Hearings*

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3.

TABLE 2 – STATISTICS ON CRIMINAL CASES BY TYPE OF CASE

A. *Types of cases*

- Appeal courts are competent to adjudicate criminal offences, except those which fall under the competence of Anti-corruption and Organized Crime Court of Appeal. Data on **Criminal Cases** is reported in two major case categories, "**Crimes**" (in Row A.) and "**Contraventions**" (in Row B.) in accordance with the articles of the Criminal Code and

with other laws that provide for criminal sanctions. Crimes and contraventions differ in the dangerousness of the act and on the length of the punishment. The qualification as crime or as contravention is specified in the Criminal Code.

- Row A: The category Crimes comprises subcategory A.1 (Homicide) and A.2 (Robbery), A.3 (Related to domestic violence) and A.4 (Involving Juveniles).

- Row A.1: Within the category of "Crimes", the sub-category "**Homicide**" comprises cases under Articles 76-85 of the Criminal Code.

- Row A.2: Within the category of "Crimes", the sub-category "**Robbery**" comprises cases under Articles 134-142 of the Criminal Code.

- Row A.3: Within the category of "Crimes", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row A.4: Within the category of "Crimes", the sub-category "**Involving Juveniles**" comprises cases under Articles 124, 124/a, 124/b 128/a, 128/b, 129 of the Criminal Code.

- Row B: The category "Contraventions" comprises subcategory B.1 (Related to domestic violence) and B.2 (Involving Juveniles).

- Row B.1: Within the category of "Contraventions", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row B.2: Within the category of "Contraventions", the sub-category "**Involving Juveniles**" comprises cases under Articles 125,126,127, 128, 130 of the Criminal Code.

- Row C.: "**Total criminal cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed in the High Court.

- Column 3: **Concluded cases** is the number of cases finalized within the reporting period.

- Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. *Duration of concluded cases*

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of submission of the reasoning of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9, 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Total concluded cases* in column 3.

- Column 14: The **Average duration presents** the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii. *Efficiency Indicators*

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3.

TABLE 3 – STATISTICS ON COURT CASES (TOTAL CIVIL + CRIMINAL)

Table No. 3 is a summary table including data on *Case flow*, *Efficiency indicators* and *Hearings* for all cases dealt with by the court.

A. Types of cases

- In this table, the total of court cases comprises "**Civil cases**" (Row A), "**Criminal cases**" Row B), "**Criminal requests**" (Row D) and "**Other cases**" (in Row E).

- Row A.: The category "**Civil cases**", includes the sum of total contentious and non-contentious from Table No. 1.

- Row B.: The category "**Criminal cases**", includes the sum of total crimes and contraventions from Table No. 2.

- Row C. is the sum of the figures indicated in A e B and is automatically calculated in the Excel sheet.

- Row D. The category "Criminal requests" includes all requests/appeals submitted to the courts that are related to the preliminary investigation, preliminary hearing, execution phases and those in the framework of foreign jurisdictional relations. For example: the appeal against the decision of the Prosecutor for not initiating criminal proceedings (Article 291/3 of the Cr.P.C.), the appeal against the decision of the prosecution for the dismissal of charge or case (Article 329 Cr.P.C.), etc.

- Row D: "**Other cases**" are all cases not comprised in the abovementioned categories. The category *Other cases* includes the request on violations of reasonable time ex art. 399/6 C.P.C, cases in the initial jurisdiction of the Court of Appeal (for example, the request for the recognition of a foreign civil decision ex. Article 393-398 of the C.P.C., Correction of errors in the documentations Article 492 C.P.C , Filing recourse Article 476 of C.P.C), etc.

- Row E: "**Total**" court cases is the sum of the figures indicated in C, D and E and is automatically calculated in the Excel sheet.

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B. *Indicators*

i. *Case flow*

▪ Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming**, presents the number of cases filed in the court within the reporting period.

▪ Column 3: **Concluded** is the number of cases finalized within the reporting period.

▪ Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

▪ Column 5: **Total registered** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered* is the sum of figures in columns 1 and 2. Values in this column are automatically calculated in the Excel sheet.

ii. *Efficiency Indicators*

▪ Column 6: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

▪ Column 7: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and have not yet been concluded.

▪ Column 8: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 7) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iii. *Hearings*

▪ Column 9: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

▪ Column 10: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this

indicator as the ratio of the *Number of hearings* in Column 9 to the *Concluded* cases in Column 3.

TABLE 4 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

A. Indicators

▪ Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

▪ Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 3) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

▪ Column 3: **Total concluded cases per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 3) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

▪ Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 3) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLES 5, 6, 7– STATISTICS ON APPEAL CASES BY COURT OF FIRST INSTANCE

Tables No. 5, 6 and 7 record data on the case flow and the way of disposal in the appeal court, by court of first instance that issued the appealed decision. Specifically, Table No. 5 reports data on civil cases, Table No. 6 reports data on criminal cases, and Table No. 7 reports data on total number of cases (civil + criminal).

A. Courts

▪ Each appeal court should fill in the rows by indicating the relevant district courts in alphabetical order.

▪ The final row in each table is the sum of the figures indicated in rows A, B, etc.

B. Indicators

▪ Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. P*ending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period.

▪ Column 3: C**oncluded cases** is the number of cases finalized within the reporting period and should be equal to the sum of the figures in columns 4, 6, 8 and 10.

▪ Columns No. 4/5, **Upheld**, present the number/percentage of cases concluded with a decision of confirmation (the percentage is automatically calculated on the total of concluded cases).

▪ Columns No. 6/7, **Sent for retrial**, present the number/percentage of cases concluded with a decision of re-sending the case to the court of first instance for re-adjudication (the percentage is automatically calculated on the total of concluded cases).

▪ Columns No. 8/9, **Modified** present the number/percentage of cases concluded which a revision of the decision issued by the court of first instance (the percentage is automatically calculated on the total of concluded cases).

▪ Columns No. 10/11, **Other** present the number/percentage of cases concluded otherwise, e.g., lack of competence, rejection of the appeal, etc. (the percentage is automatically calculated on the total of concluded cases).

▪ Column 12: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 13 and 3 and is calculated automatically in the Excel sheet.

▪ Column 13: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

TABLE 8 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 8 presents the amount of civil contentious cases and criminal cases that are pending at the end of the reporting period, grouped according to established timeframes.

A. Types of cases

▪ The definitions of the types of cases are the same as those in Tables No. 1 and 2 of this Section.

B. Indicators

▪ Column 1: presents the total number of **Pending at the end** of the reporting period.

▪ Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

▪ Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION V

TABLE OF CONTENTS

IX. INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

- The Guide aims to establish a common conceptual framework and rules for data collection and reporting for the purpose of improving and harmonizing the statistical activity of the courts and, ultimately, court performance and efficiency. In this framework, judicial statistics are intended as management tools to be used for an efficient management, transparency and accountability of court activity.

- The Guide has been designed to provide a comprehensive set of reporting rules, case type definitions, and standard reporting tables. The terms used in the standardised tables are also defined to ensure comparable reporting at the different courts.

- Standard tables have been designed referring to the type of court by subject matter competence and by instance. The judicial power in Albania, is exercised through: District Courts; Appeal Courts, and the High Court (Art. 135 of the Constitution). In addition, specialized jurisdiction is exercised through: the Administrative courts of first instance and Appeal; and the Special courts of first instance and Appeal on corruption and organised crime (Article 135/2 of the Constitution). The High Court adjudicates cases of the courts of general and specialized jurisdiction.

- Accordingly, the Guide contains tables for the <u>courts of first instance</u>, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); <u>courts of second instance</u>, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and <u>third instance</u>, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

▪ The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

X.   GENERAL INSTRUCTIONS

▪ **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

▪ **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

▪ Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

▪ This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

▪ The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros).

The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

▪ For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

▪ By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

▪ The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

▪ Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION V - INSTRUCTIONS FOR THE ADMINISTRATIVE COURT OF APPEAL

For the appeal administrative court, 4 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on appeal administrative cases by type of case

- Table No. 2 – Statistics on judges' caseload and productivity

- Table No. 3 – Statistics on appeal administrative cases for court of first instance

- Table No. 4 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON ADMINISTRATIVE CASES BY TYPE OF CASE

A. Types of cases

- The Administrative Appeal Court also does the division in two major categories, in "**Administrative contentious cases**" (in Row A) and "**Administrative non-contentious cases**" (in Row B).

- Row A: The category "Administrative contentious cases" comprises subcategory A.1 (General Administrative) and A.2 (Employment).

- Row A.1: Within the category of "Administrative contentious cases", the sub-category "**General administrative**" comprises the following:

    - Disputes from administrative acts, normative subordinate legal acts and public administrative contracts Article 7/a, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Unlawful interference or failure to act by the public organ Article 7/b Law No.49/2012 "On administrative courts and adjudication of administrative disputes"

    - Disputes of competences between various administrative organs in the cases provided by the Code of Administrative Procedures Article 7/c Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Claims according to article 17, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row A.2: Within the category of "Administrative contentious cases", the sub-category "**Employment**" comprises the following:

    - Disputes in the field of labour relations of civil servants, judicial civil servants, civil servants of prosecution offices, and state servants whose labour relations

are governed by special arrangements, under the organic law Article 7/ç of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row B.: The category of "**Administrative non-contentious cases**" comprises the following:

    - Requests submitted by administrative organs for the examination of administrative infractions Article 7/d of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Requests submitted by infringers for the substitution of the administrative sentence Article 7/dh of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - correction of errors, completion of the decision, clarification and interpretation of the decision

    - Securing the lawsuit according article 28/2 of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row C.: "**Other cases**" are all cases not comprised in the above-mentioned categories, including the case of the initial jurisdiction of the court of appeal such as:

    - disputes with the object of normative subordinate legal acts,

    - other cases provided by law

        - Article 19 Value of compensation from the ATP, of the Law No. 113/2015 "For property treatment and completion of the process property compensation

        - Cases regarding article 12, article 18 point 1, 32 point 1, 46 point 1, 52 point 1, 57 point 1, etc. of Law no. 115/2016 "On the government bodies of the justice system"

- Row D.: "**Total administrative cases**" is the sum of the figures indicated in A, B and C and is automatically calculated in the Excel sheet.

    B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed in the High Court.

- Column 3: **Concluded cases** is the number of cases finalized within the reporting period.

- Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. *Duration of concluded cases*

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of announcement of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9, 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Total concluded cases* in column 3.

- Column 14: The **Average duration** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii. *Efficiency Indicators*

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of the pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv. *Hearings*

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3.

TABLE 2 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

A. *Indicators*

- Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

- Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 1) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 1) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

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- Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 1) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLE 3 – STATISTICS ON APPEAL ADMINISTRATIVE CASES BY COURT OF FIRST INSTANCE

Table No. 3 records data on the case flow and way of disposal in the appeal administrative court according to the court of first instance from which the cases comes.

A. Courts

- The majority of cases which are brought to the Appeal Administrative Court are cases from the first instance administrative courts, which are divided as follows: "**Durrës**" (in Row A), "**Gjirokastra**" (in Row B), "**Korça**" (in Row C), "**Shkodër"** (in Row D), "**Tirana"** (in Row E) and "**Vlora**" (in Row F).

- Row G in the table is the sum of the figures indicated in rows A, B, C, D, E and F. and is automatically calculated in the Excel sheet.

B. Indicators

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period.

- Column 3: **Concluded cases** is the number of cases finalized within the reporting period and should be equal to the sum of the figures in columns 4, 6, 8 and 10.

- Columns No. 4/5: **Upheld** present the number/percentage of cases concluded with a decision of confirmation (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 6/7: **Sent for retrial** present the number/percentage of cases concluded with a decision of re-sending the case to the court of first instance for re-adjudication (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 8/9: **Modified** present the number/percentage of cases concluded which a revision of the decision issued by the court of first instance (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 10/11: **Other** present the number/percentage of cases concluded otherwise, e.g., lack of competence, rejection of the appeal, etc. (the percentage is automatically calculated on the total of concluded cases).

- Column 12: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 13 and 3 and is calculated automatically in the Excel sheet.

- Column 13: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. Total of registered cases is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

TABLE 4 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 4 presents the amount of administrative contentious cases that are pending at the end of the reporting period by age, grouped according to established timeframes.

A. Type of cases

- The definitions of the types of cases are the same as those in Table No. 1 of this Section.

B. Indicators

- Column 1: presents the total number of **Pending at the end** of the reporting period.

- Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

- Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION VI

TABLE OF CONTENTS

XI.   INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

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- Accordingly, the Guide contains tables for the courts of first instance, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); courts of second instance, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and third instance, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

- The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

XII. GENERAL INSTRUCTIONS

- **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

- This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

- The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros).

The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

- For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

- By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

- The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

- Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION VI - INSTRUCTIONS FOR THE SPECIAL COURT OF APPEAL ON CORRUPTION AND ORGANIZED CRIME

For the Special Court of Appeal on Corruption and Organized Crime, 4 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on serious criminal cases by type of case
- Table No. 2 – Statistics on total court cases (criminal cases + criminal requests)
- Table No. 3 – Statistics on judges' caseload and productivity
- Table No. 4 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON SERIOUS CRIMINAL CASES BY TYPE OF CASE

A. *Types of cases*

- Special Court of Appeal on Corruption and Organized Crime is a specialized jurisdiction court, who shall judicate the cases regarding Organized and Serious Crime and Corruption. Data on **Serious criminal cases** is reported in two major case categories, **Organized Crime** (in Row A.) and **Corruption** (in Row B), in accordance with the articles of the Criminal Code and with other laws that provide for criminal sanctions.

- Row A.: The category of "**Organized and serious crime**" comprises any crime committed by structured criminal group, criminal organisation, terrorist organisation and armed gang, such as:

    - Illegal sale and purchase of organs, Article 89/a of Criminal Code

    - Trafficking in adult persons, Article 110/a of Criminal Code

    - Trafficking of Minors, Article 128/b of Criminal Code

    - Acts of terrorist intention, Article 230 of Criminal Code

    - Financing of terrorism, Article 230/a of Criminal Code

    - Concealing of funds and other property that finance terrorism, Article 230/b of Criminal Code

    - Disclosure of information by persons who perform public functions or persons exercising a duty or profession, Article 230/c of Criminal Code

    - Performance of services and actions with declared persons, Article 230/ç of Criminal Code

    - Collection of funds for financing of terrorism, Article 230/d of Criminal Code

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- Recruitment of persons for committing acts with terrorist intentions or financing of terrorism, Article 231 of Criminal Code

- Training to commit acts of terrorist intentions, Article 232 of Criminal Code

- Incitement, public calls and propaganda for committing acts with terrorist intentions, Article 232/a of Criminal Code

- Threating to commit crimes of terrorist intentions, Article 232/b of Criminal Code

- Creating armed crowds, Article 233 of Criminal Code

- Manufacturing military weapons, Article 234 of Criminal Code

- Terrorist organizations, Article 234/a of Criminal Code

- Armed gangs, Article 234/b of Criminal Code

- Manufacture and illegal possession of firearms and ammunition, Article 278

- Trafficking of weapons and ammunition, Article 278/a

- Production and sale of narcotics, Article 283

- Trafficking of narcotics, Article 283/a

- Facilitation of drugs intake and use, Article 283/b

- Cultivation of narcotic plants, Article 284

- Organizing and leading criminal organizations, Article 284/a

- Production and manufacturing of narcotic and psychotropic substances, Article 284/c

- Production, trade and illegal use of precursors, Article 284/ç

- Laundering the Proceeds of Criminal Offence or Criminal Activity, Article 287

- Criminal organizations, Article 333

- The structured criminal group, Article 333/a

- Commission of criminal offences by the criminal organizations and structured criminal groups, Article 334, etc.

- Row B: The category of "**Corruption**", comprises the following:

  - Active corruption of persons exercising public functions, Article 244 of the Criminal Code

  - Active Corruption of Foreign Public Officials, Article 244/a of the Criminal Code

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- Active corruption of the high state official and of the local elected/representatives, Article 245 of the Criminal Code

- Exercising unlawful influence on public officials, Article 245/1 of the Criminal Code

- Illegal benefit of interests, Article 257 of the Criminal Code

- Breaching the equality of participants in public bids or auctions, Article 258 of the Criminal Code

- Passive corruption, Article 259 of the Criminal Code

- Passive Corruption of Foreign Public Officials, Article 259/a of the Criminal Code

- Passive corruption by High State Officials or local elected officials, Article 260 of the Criminal Code

- Active corruption of the witness, expert or interpreter, Article 312 of the Criminal Code

- Active corruption of the judge, prosecutor and of other justice official, Article 319 of the Criminal Code

- Active Corruption of a Judge or Official of International Court Article, 319/a of the Criminal Code

- Active Corruption of a Domestic and Foreign Arbitrator, Article 319/b of the Criminal Code

- Active Corruption of Members of the Foreign Court Juries, Article319/c of the Criminal Code

- Passive corruption of the judges, prosecutor and of other Justice official, Article 319/ç of the Criminal Code

- Passive Corruption of a Judge or Official of International Courts, Article 319/d of the Criminal Code

- Passive Corruption of a Domestic and Foreign Arbitrator, Article 319/dh of the Criminal Code

- Passive Corruption of Members of the Foreign Court Juries, Article 319/e of the Criminal Code

- Row C.: "**Total criminal cases**" is the sum between the figures in rows A and B and will be automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the* beginning should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period, including both cases registered for the first time and the cases returned for retrial after being quashed in the High Court.

- Column 3: **Concluded cases** is the number of cases finalized within the reporting period and should be equal to the sum of the figures in columns 6, 8, 10 and 12).

- Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. *Way of disposal*

- Columns No. 6/7, **Upheld**, present the number/percentage of cases concluded with a decision of confirmation (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 8/9, **Sent for retrial** present the number/percentage of cases concluded with a decision of re-sending the case to the court of first instance for re-adjudication (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 10/11, **Modified** present the number/percentage of cases concluded which a revision of the decision issued by the court of first instance (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 12/13, **Other** present the number/percentage of cases concluded otherwise, e.g., lack of competence, rejection of the appeal, etc. (the percentage is calculated on the total of concluded cases).

iii. *Duration of concluded cases*

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of announcement of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 14, 16, 18 and 20: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of less than 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 15, 17, 19 and 21: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard table, as a share of the total *Concluded cases* in column 3.

- Columns 22: The **Average duration** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iv.   *Efficiency Indicators*

- Column 23: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The table contains the formula for the automatic calculation of the Clearance Rate.

- Column 24: The **Disposition Time (days)** is the ratio of the pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 25: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 26: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 25)) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

v.   *Hearings*

- Column 27: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 28: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 27 to the total *Concluded cases* in Column 3.

TABLE 2 – STATISTICS ON TOTAL COURT CASES (CRIMINAL CASES AND CRIMINAL REQUESTS)

A. *Types of cases*

▪ In this table, the total of court cases comprises "**Criminal cases**" (Row A.) and "**Criminal requests**" (Row B.).

▪ Row A.: The category "**Criminal cases**", includes the sum of total crimes from Table 1 in this section.

▪ Row B.: The category "**Criminal requests**", includes all requests/appeals submitted to the courts that are related to the preliminary investigation, preliminary hearing, execution phases and in the framework of foreign jurisdictional relations. For example: the appeal against the decision of the Prosecutor for not initiating criminal proceedings (Article 291/3 of the Cr.P.C.), the appeal against the decision of the prosecution for the dismissal of charge or case (Article 329 Cr.P.C.), etc.

▪ Row C.: "**Total**" is the sum of the figures indicated in A and B and is automatically calculated in the table.

B. *Indicators*

i. *Case flow*

▪ Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming** presents the number of cases filed in the court within the reporting period.

▪ Column 3: **Concluded** is the number of cases *finalized within the repo*rting period.

▪ Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. P*ending at the end* is the difference between the figure in columns 5 and 3 and is calculated automatically in the Excel sheet.

▪ Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2. Values in this column are automatically calculated in the Excel sheet.

ii. *Efficiency Indicators*

▪ Column 6: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded *cases by the num*ber of incoming cases in a reporting period, expressed as a

percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 7: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and have not yet been concluded.

- Column 8: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 7) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iii. Hearings

- Column 9: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 10: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 9 to the *Concluded* cases in Column 3**.**

TABLE 3 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

A. Indicators

- Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

- Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number of incoming cases during the reporting period (column 2 in Table 2) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 2) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 2) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLE 4 – STATISTICS ON AGE OF PENDING CRIMINAL CASES

Table No. 4 presents the amount of cases that are pending at the end of the reporting period by age, grouped according to established timeframes.

A. *Types of cases*

- The definitions of the types of cases are the same as those in Table No. 1 of this Section.

B. *Indicators*

- Column 1: presents the total number of **Pending at the end** of the reporting period.

- Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

- Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.

GUIDE

ON THE MAINTENANCE AND COMPILATION OF TABLES WITH STATISTICAL DATA FOR THE MONITORING OF COURT PERFORMANCE

SECTION VII

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XIII.   INTRODUCTION

- The Guide has been prepared pursuant to the Law No. 115/2016 On Governance Institutions of the Justice System, Art. 94, 4, let. dh), which requires the development of a guide on keeping judicial statistics as part of "Standard rules for the efficiency of justice".

- The Guide aims to establish a common conceptual framework and rules for data collection and reporting for the purpose of improving and harmonizing the statistical activity of the courts and, ultimately, court performance and efficiency. In this framework, judicial statistics are intended as management tools to be used for an efficient management, transparency and accountability of court activity.

- The Guide has been designed to provide a comprehensive set of reporting rules, case type definitions, and standard reporting tables. The terms used in the standardised tables are also defined to ensure comparable reporting at the different courts.

- Standard tables have been designed referring to the type of court by subject matter competence and by instance. The judicial power in Albania, is exercised through: District Courts; Appeal Courts, and the High Court (Art. 135 of the Constitution). In addition, specialized jurisdiction is exercised through: the Administrative courts of first instance and Appeal; and the Special courts of first instance and Appeal on corruption and organised crime (Article 135/2 of the Constitution). The High Court adjudicates cases of the courts of general and specialized jurisdiction.

- Accordingly, the Guide contains tables for the courts of first instance, namely, courts of general jurisdiction, administrative courts and the Special court on corruption and organised crime (formerly serious crimes court); courts of second instance, namely, courts of appeal of general jurisdiction, the appeal administrative court and the appeal Special court on corruption and organised crime (formerly serious crimes court); and third instance, the High Court.

- For each court, the standard tables are aimed at collecting data on the case flow by case category, the duration of concluded cases, the performance indicators, hearings, statistics on judges' caseload and productivity, and the age of pending cases.

- The Guide consists of seven Sections—Section 1 contains tables for first instance courts of general jurisdiction; Section 2 contains tables for administrative courts of first instance; Section 3 contains tables for the first instance Special court on organised crime and corruption; Section 4 contains tables for appellate courts of general jurisdiction; Section 5 contains tables for the administrative court of appeal; Section 6 contains tables for the appeal Special court on organised crime and corruption; Section 7: tables for the High Court. All sections follow a similar outline.

- The case categorization as defined is this Guide refers to universal categories of cases (civil, criminal, administrative), general sub-categories and selected types of cases. All case categories, sub-categories, case types and indicators are defined as they apply to this Guide, and thus may vary from the definitions adopted for other purposes of statistical reporting (e.g. professional evaluation of judges or reporting to international organizations).

XIV. GENERAL INSTRUCTIONS

- **Judicial Secretaries** at each court shall assist with the maintenance of registers and registrations into registers and help create the court's statistics, according to the criteria established in this Guide, including with regard to the accuracy of data (art. 44, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- **The Chancellor** shall, **upon consultation with the Court Chairperson**, be responsible, among others, for the functioning of the case management system (CMS) in the court. The Chancellor oversees the accurate gathering and processing of data and guides and supervises the work of the judicial civil servants of the court involved in the registration of data and the production of statistics. The Chancellor delivers periodical reports to the High Judicial Council (HJC) on the usage and functioning of the CMS and reports without delay on needs and necessary updates of functions of the CMS (art. 39, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania).

- Until all the relevant statistics can be produced electronically, in order to facilitate the reporting process and the calculation of the relevant indicators, it is recommended that data on each case registered in the court in the reporting period is recorded in Excel spreadsheets, one for each general case type (crimes, contraventions, general civil contentious cases, etc.). These should contain at least the following information: the register number of the case, the date of registration, the object and, eventually, the decision number, the decision date, the date of submission of the reasoned decision, the way of disposal.

- This Guide contains standard tables and explanations thereof. The standard tables are available in the form of Excel spreadsheets. More generally, until the effective functioning of the CMS is ensured, the use of Excel sheets should be preferred over the Word format when transmitting and processing statistical data.

- The standard tables contain columns in black and green text. The **columns in black** are designed to contain primary data, to be filled in by the relevant judicial civil servants involved in the process. Where the relevant figure is known, only numbers should be reported, no text, punctuation, or spaces. Where the relevant figure is unknown, please insert NA. Always double check the figures inserted (for instance the number of zeros).

The **columns in green** contain embedded formulas that will automatically calculate the relevant value once the primary values (in the black columns) have been inserted in the tables. Please do not insert any values in these columns.

- For courts of each level and jurisdiction, the standard tables shall be **filled in on a quarterly basis** (i.e. every three months) and published on the website of the court within two weeks after the end of each reporting period. Upon request, the quarterly statistics shall be transmitted electronically to the Sector of Statistics and Archive attached to the Directorate of Standards and Court Administration at the HJC.

- By March of each year, **the court Chairperson** shall convene and chair the General Meeting of judges of a court where the court's annual report for the previous year will be discussed. This report contains the presentation of the statistical data for the entire year in tables (following the format of the standard tables) and graphics, and a brief analysis thereof.

- The filled in standard tables for the previous calendar year shall be transmitted electronically to the Sector of Statistics and Archive at the HJC, as soon as possible, and in any case not later than the date of the General Meeting. The Chairperson shall inform the HJC on the date and agenda of the General Meeting of judges of the court, at least two weeks in advance. (Art. 29 and 40, Law No. 98/2016 on the Organisation of the Judicial Power in the Republic of Albania). The report is adopted and published on the website of each court within the month of March.

- Not later than 1 May, the HJC compiles and analyses at the national level the statistical data reported through this framework from each court. Such statistics form part of the HJC's yearly report to the Assembly (ex. Arts. 81 and 82, Law 115/2016 on Governing Institutions of the Justice System; Art. 59.3(dh), Law 115/2016 on Governing Institutions of the Justice System; Art. 22, Law 98/2016 on the organisation of judicial power).

SECTION VII - INSTRUCTIONS FOR THE HIGH COURT

For the High Court, 9 standard tables have been drafted, as follows:

- Table No. 1 – Statistics on civil cases by type of case
- Table No. 2 – Statistics on administrative cases by type of case
- Table No. 3 – Statistics on criminal cases by type of case
- Table No. 4 – Statistics on court cases (total civil + administrative + criminal)
- Table No. 5 – Statistics on judges' caseload and productivity
- Table No. 6 – Statistics on civil and administrative cases by court of appeal
- Table No. 7 – Statistics on criminal cases by court of appeal
- Table No. 8 – Statistics on total civil and criminal cases by court of appeal
- Table No. 9 – Statistics on the age of pending cases

TABLE 1 – STATISTICS ON CIVIL CASES BY TYPE OF CASE

A. *Types of cases*

- Data in **civil cases** will be reported in two major categories, which are: "Civil contentious cases" (in Row A) and "Civil non-contentious cases" (in Row B).

- Row A. Within Category "Civil Cases" it is included subcategory A.1 (General civil contentious), A.2 (Family Contentious), A.3 (Commercial contentions) and A.4 (Employment)

- Row A.1: Within the categories of "**Civil contentious cases**", the subcategory "**General**" compromises the following:

    - Property claims, Article 149-231 Civil Code

    - Partition of the co-owned object claim, Article 207 Civil Code

    - Usufruct claim, Article 232-260 Civil Code

    - Servitudes claim, Article 261-295 Civil Code

    - Extinguishment of easements claims, Article 296-303 Civil Code

    - Possession claim, Article 304-315 Civil Code

    - Inheritance claim, Article 316-418 Civil Code

    - Liability for causing the damage claim, Article 608-654 Civil Code

- Management of the others work claim, Article 648-652 Civil Code

- Non-obliged payment claims, Article 653-654 Civil Code

- Benefitting without reason claim, Article 655-658 Civil Code

- Specific contracts claim, Article 705-1161 Civil Code

- Any other contractual claim

- Enforced execution claims, Article 511 Civil Procedure Code

- Unfair imprisonment compensation claims

- Other claims

▪ Row A.2: Within the categories of "**Civil contentious cases**", the subcategory "**Family**" compromises the following:

- Invalidity of the marriage, Article 43 Family Code

- Recognition or opposition to motherhood or paternity, Articles from 177-188 Family Code

- Alimony between spouses, Article 199 Family Code

- Alimony obligation to the child, Article 197 Family Code

- Parental responsibility, Articles 227-228 Family Code

- Dissolution of marriage based on period of Articles 129- 131of Family Code
- Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
- Right of guardian to petition for divorce, Articles 141-144 of the Family Code
- Immediate protection order/ Protection order according to the Law no. 9666, dt. 18.12.2006 "On measures against domestic violence."
- Other claims

▪ Row A.2.1: Within the category of "Civil contentious cases", and the subcategory "Family contentious", data on "**Divorce**" cases should be also reported separately. These comprise cases Family Code:

- Dissolution of marriage based on period of Articles 129- 131 of Family Code
- Dissolution of marriage based on the requests of one party, Articles 132-140 of Family Code
- Right of guardian to petition for divorce, Articles 141-144 of the Family Code

▪ Row A.3: Within the categories of "**Civil contentious cases**", the subcategory "**Commercial**" compromises the following:

- Insolvency, Law no. 110/2016, dated 27.10.2016 "On bankruptcy"

- Cases between the right of the partners

- Annulment of company claims, Article 3/1 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Compensation of administrator damage, Article 98 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Dividends Claim, Article 129 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Supervisory Body responsibilities claims, Article 151 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Administrator Competences claim, Article 95 and 98 of the Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Intellectual Property Claim

- Dissolution of companies according to Law no. 9901, dt. 14.4.2008 "For traders and commercial societies"

- Depreciation of checks, bills of exchange and other securities, Articles 337-346 of Civil Procedure Code

- Others claims

- Row A.3.1: Within the category of" Civil Contentions cases" and subcategory "Commercial Contentious", data on "**Insolvency**" should also be reposted separately. These comprise cases under the Law on Insolvency 110/2016

- Row A.4: Within the categories of "Civil contentious cases", the subcategory "**Employment**" compromises the following:

  - Compensation of damages

  - Other claims

- Row A.4.1: Within the category of "Civil Contentious" and subcategory "Employment", data on "Dismissal" should also be reported separately. These comprise cases under:

  - Dismissal, Article 143-15 of Code of Labour

- Row B: The category of Civil non-contentious cases comprises subcategory B.1 (General civil non-contentious) and B.2 (Family), B.3 (Commercial).

- Row B.1: Within the categories of "Civil non-contentious cases", the subcategory "**General**" compromises the following:

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- Securing the lawsuit, Article 202 and 204 of the Civil Procedure Code

- Securing of the evidence claims, Article 239 of the Civil Procedure Code

- Correction of mistakes claims, Article 312 of the Civil Procedure Code

- Completion of decision claims, Article 313 of the Civil Procedure Code

- Clarification and interpretation of decision claims, Article 314 of the Civil Procedure Code

- Declaration of disappearance or death of a person (request, change or revocation) claims, Articles 375 and 379 of the Civil Procedure Code

- Removal or limitation of capacity to act claims, Article 388-392 of the Civil Procedure Code

- Court certification of the facts claims, Article 388 of the Civil Procedure Code

- Request for legal aid in the civil field

- Order of Execution, Article 511 of the Civil Procedure Code

- Other requests

▪ Row B.2: Within the categories of "Civil non-contentious cases", the subcategory "**Family**" compromises the following:

- Adoption, Article 240-262, Family Code

- Dissolution of marriage with the consent of both spouses, Article 125-128, Family Code

- Administration of the minor's property, Article 286 and 306, Family Code

- Request for issuing of authorization (for children)

- Other requests

▪ Row B.3: Within the categories of "Civil non-contentious cases", the subcategory "**Commercial**" compromises the following:

- Insolvency according to the Law no. 110 / 2016, dated 27.10.2016 "On bankruptcy"

- Registration of NGO's according to the Law n. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Request for appointment of administrator

- Request for re-naming the companies

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- Request for changing the number of partners according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Request for changing the basic capital according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Request for changing the seat of the company according to the Law no. 8789, dt. 7.5.2001 "For the registration of non-profit organizations"

- Others

▪ Row C.: "**Total civil cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

▪ Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming cases** present the number of cases filed in the court within the reporting period.

▪ Column 3: **Concluded cases** is the number of cases finalized within the reporting period.

▪ Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

▪ Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. *Duration of concluded cases*

▪ For the purpose of statistics on court efficien*cy,* the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of announcement of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

▪ Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of less than 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9, 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Concluded cases* in column 3.

- Column 14: The **Average duration** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii. *Efficiency Indicators*

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of the pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv. *Hearings*

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3.

TABLE 2 – STATISTICS ON ADMINISTRATIVE CASES BY TYPE OF CASE

A. *Types of cases*

- There are three major categories in Table 2: "Administrative contentious cases" (in Row A), and "Administrative non-contentious cases" (in Row B).

- Row A: Within category "Administrative contentious cases" it is included subcategory A.1 (General Administrative contentious) and A.2 (Employments).

- Row A.1: Within the category of "**administrative contentious cases**", the sub-category "**General**" comprises the following:

    - Disputes from administrative acts, normative subordinate legal acts and public administrative contracts, Article 7/a, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Unlawful interference or failure to act by the public organ, Article 7/b, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Disputes of competences between various administrative organs in the cases provided by the Code of Administrative Procedures, Article 7/c, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Claims according to article 17, Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row A.2: Within the category of "**administrative contentious cases**", the sub-category "**Employment**" comprises the following:

    - Disputes in the field of labour relations of civil servants, judicial civil servants, civil servants of prosecution offices, and state servants whose labour relations are governed by special arrangements, under the organic law, Article 7/ç of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row B.1: Within the category of "**administrative non-contentious cases**", the sub-category "**General**" comprises the following:

    - Requests submitted by administrative organs for the examination of administrative infractions, Article 7/d of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - Requests submitted by infringers for the substitution of the administrative sentence, Article 7/dh of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

    - correction of errors, completion of the decision, clarification and interpretation of the decision

    - Securing the lawsuit according to article 28/2 of the Law No. 49/2012 "On administrative courts and adjudication of administrative disputes"

- Row C.: "**Total administrative cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. Indicators

i. Case flow

- Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2**: Incoming cases** presents the number of cases filed in the court within the reporting period.

- Column 3: **Concluded cases** is the number of cases finalized within the reporting period.

- Column 4: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. Duration of concluded cases

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of announcement of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of less than 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Concluded cases* in column 3.

- Column 14, The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii. Efficiency Indicators

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv. Hearings

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3.

TABLE 3 – STATISTICS ON CRIMINAL CASES BY TYPE OF CASE

A. Types of cases

- The High Court also deals with criminal cases, which are separated in two main categories: **Crimes** (in Row A.) and **Contraventions** (in Row B.) in accordance with the articles of the Criminal Code and with other laws that provide for criminal sanctions.

- Row A.1: Within the category of "**Crimes**", the sub-category "**Homicide**" comprises cases under Articles 76-85 of the Criminal Code.

- Row A.2: Within the category of "**Crimes**", the sub-category "**Robbery**" comprises cases under Articles 134-142 of the Criminal Code.

- Row A.3: Within the category of "**Crimes**", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row A.4: Within the category of "**Crimes**", the sub-category "**Involving Juveniles**" comprises cases under Articles 124, 124/a, 124/b 128/a, 128/b, 129 of the Criminal Code.

- Row B: within category "Contraventions", it is included subcategory B.1 (Related to domestic violence) and B.2 (Involving Juveniles)

- Row B.1: Within the category of "**Contraventions**", the sub-category "**Related to domestic violence**" comprises cases under Article 130/a of the Criminal Code.

- Row B.2: Within the category of "**Contraventions**", the sub-category "**Involving Juveniles**" comprises cases under Articles 125,126,127, 128, 130 of the Criminal Code.

- Row C.: "**Total criminal cases**" is the sum of the figures indicated in A and B and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases** presents the number of cases filed in the court within the reporting period

- Column 3: **Concluded cases** is the number of cases finalized *w*ithin the reporting period

- Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

- Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2 and is calculated automatically in the Excel sheet.

ii. *Duration of concluded cases*

- For the purpose of statistics on court efficiency, the **Duration of concluded cases** shall be calculated from the date of the registration of the case in the court until the date of announcement of the decision, independent of whether for the specific type of case the law provides for a legal time limit for the completion of the proceedings, or not.

- Columns 6, 8, 10 and 12: The **Number of concluded cases by duration** shall be reported in these columns, respectively, for durations of up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); and more than 2 years (over 720 days).

- Columns 7, 9, 11, 13: The **Percentage of concluded cases by duration** is automatically calculated in these columns in the standard Excel sheet, as a share of the *Concluded cases* in column 3.

- Column 14: The **Average duration of cases** corresponds to the average length of concluded cases within the reporting period. The average duration of cases should be reported in days.

iii.   Efficiency Indicators

- Column 15: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expressed as a percentage. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

- Column 16: The **Disposition Time (days)** is the ratio of pending cases at the end of the reporting period to the concluded cases within that period, expressed in days. The Excel sheet contains the formula for the automatic calculation of the Disposition Time.

- Column 17: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and that have not yet been concluded.

- Column 18: **Percentage of pending older than 2 years**, is the ratio of these cases (Column 17) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iv.   Hearings

- Column 19: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

- Column 20: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 19 to the *Concluded cases* in Column 3**.**

TABLE 4 – STATISTICS ON COURT CASES (TOTAL CIVIL + ADMINISTRATIVE + CRIMINAL)

A. *Types of cases*

▪ The total of court cases comprises "**Civil cases**" (Row A), "**Criminal cases**", (Row B), "**Administrative cases**" (Row C) and "**Other cases**" (Row E).

▪ Row A.: The category **"Civil cases"** includes the sum of total contentious and non-contentious from Table No. 1.

▪ Row B.: The category "**Criminal cases**" includes the sum of total crimes and contraventions from Table No. 2.

▪ Row C.: The category "**Administrative cases**", includes the sum of total administrative contentious cases and administrative non-contentious cases.

▪ Row D.: presents the sum of the figures indicated in A, B and C and is automatically calculated in the table.

▪ Row E: "**Other cases**" are all cases not comprised in the abovementioned categories, including the criminal administrative requests, etc.

▪ Row F: "**Total**" is the sum of the figures indicated in D and E and is automatically calculated in the Excel sheet.

B. *Indicators*

i. *Case flow*

▪ Column 1: **Pending at the beginning** presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

▪ Column 2: **Incoming** presents the number of cases filed in the court within the reporting period

▪ Column 3: **Concluded** is the number of cases finalized within the reporting period.

▪ Column 4: **Pending at the end** presents the number of cases which are not concluded at the end of the reporting period. P*ending at the end* is the difference between the figures in columns 5 and 3 and is calculated automatically in the Excel sheet.

▪ Column 5: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2. Values in this column are automatically calculated in the Excel sheet.

ii. Efficiency Indicators

▪ Column 6: The **Clearance Rate (%)** is the ratio obtained by dividing the number of concluded cases by the number of incoming cases in a reporting period, expres*sed as a percentage*. The Excel sheet contains the formula for the automatic calculation of the Clearance Rate.

▪ Column 7: **Pending at the end older than 2 years** comprises cases that were registered in the court more than 2 years before the end of the reporting period and have not yet been concluded.

▪ Column 8: **Percentage of pending older than 2 years** is the ratio of these cases (Column 7) to the total of pending cases at the end (Column 4). Values in this column are automatically calculated in the Excel sheet.

iii. Hearings

▪ Column 9: **Number of hearings** includes hearings held in the presence of the parties or in the deliberation chamber, when the law provides the examination of the case in this way (excluding hearings for the performance of preparatory actions).

▪ Column 10: **Number of hearings per case** is the average number of hearings per case, by case category. The Excel sheet contains the formula for the automatic calculation of this indicator as the ratio of the *Number of hearings* in Column 9 to the *Concluded* cases in Column 3**.**

TABLE 5 – STATISTICS ON JUDGES' CASELOAD AND PRODUCTIVITY

A. Indicators

▪ Column 1: **Number of judges in the court**, for the purposes of this table, is the number of judges effectively handling cases (i.e. positions that are actually filled, not the theoretical number included in the budget). The number should be provided in full-time equivalent (FTE), which means that all decisions such as suspensions, dismissals, secondments, retirements, sick leaves, paternity/maternity leaves, etc, should be taken into account. This implies that the number of part-time working judges, or judges who have worked only for part of the reporting period should be converted to FTE. For example, for the purpose of the yearly statistics, for each judge, FTE is calculated as the ratio of the number of days "worked" in the court to the total number of working days in the calendar year. One judge working half-time should count for 0.5 FTE; equally a judge that worked for one month and a half during the reporting quarter, should also count for 0.5 FTE.

▪ Column 2: **Total incoming per judge** presents the *average* number of incoming cases per judge in the court within the reporting period. This is calculated as the ratio of the number

of incoming cases during the reporting period (column 2 in Table 4) to the number of judges in the court (column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 3: **Total concluded per judge** presents the *average* number of concluded cases per judge in the court within the reporting period. This is calculated as the ratio of the number of concluded cases during the reporting period (Column 3 in Table 4) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

- Column 4: **Total registered per judge** presents the *average* number of cases to be decided per judge in the court within the reporting period. This is calculated as the ratio of the total number of registered cases during the reporting period (Column 5 in Table 4) to the number of judges in the court (Column 1). Values in this column are automatically calculated in the Excel sheet.

TABLES 6, 7, 8 – STATISTICS ON CIVIL, ADMINISTRATIVE AND CRIMINAL CASES IN THE HIGH COURT BY APPEAL COURT

Tables No. 6, 7, 8 record data on the case flow and way of disposal in the High court according to the appeal court of provenience (recourses from the courts of first instance should not be included in this statistics). Specifically, Table No. 6 presents data on civil cases coming from appeal courts of general jurisdiction and data on administrative cases coming from the appeal administrative court; Table No. 7 presents data on criminal cases coming from appeal courts of general jurisdiction and criminal cases coming from the special court of appeal for corruption and organized crime; and Table No. 8 presents data on the total of criminal and civil cases coming from appeal courts of general jurisdiction.

A. Courts

- Rows A-F in the table report the names of the appeal courts, as follows: "**Durrës**" (in Row A), "**Gjirokastra**" (in Row B), "**Korça**" (in Row C), "**Shkodër"** (in Row D), "**Tirana"** (in Row E) and "**Vlora**" (in Row F).

- Row G, "**Total civil cases**" is the sum of the figures indicated in A, B, C, D, E and F and is automatically calculated in the Excel sheet.

- In Table No. 6, the "**Administrative Court of Appeal**" is added (Row H).

- In Table No. 7, the "**Special Court of Appeal for Corruption and Organized Crime**" is added (Row H). Row I in this table is the "**Total criminal cases"** dealt with by the High Court and is the sum of the figures in Row G, referring to the appeal courts of general

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jurisdiction, and Row I, referring to the Special Court for Corruption and Organized Crime (the figure is automatically calculated in the Excel sheet).

B. Indicators

- Column 1: **Pending at the beginning**, presents the number of cases which are not concluded at the start of the reporting period. *Pending at the beginning* should be equal to pending cases at the end of the previous period.

- Column 2: **Incoming cases**, presents the number of cases filed in the court within the reporting period

- Column 3: **Total concluded cases** is the number of cases finalized *w*ithin the reporting period and should be equal to the sum of the figures in columns 4, 6 8 and 10.

- Columns No. 4/5, **Upheld**, present the number/percentage of cases concluded with a decision of confirmation (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 6/7, **Sent for retrial**, present the number/percentage of cases concluded with a decision of re-sending the case to the court of lower instance for re-adjudication (the percentage is automatically calculated on the total of concluded cases).

- Columns No. 8/9, **Modified**, present the number/percentage of cases concluded which a revision of the decision issued by the court of lower instance (the percentage is automatically calculated on the total of concluded cases).

- Column No. 10/11*,* **Other**, present the number/percentage of cases concluded otherwise, e.g., rejection of the recourse, etc. (the percentage is automatically calculated on the total of concluded cases).

- Column 12: **Pending at the end**, presents the number of cases which are not concluded at the end of the reporting period. *Pending at the end* is the difference between the figures in columns13 and 3 and is calculated automatically in the Excel sheet.

- Column 13: **Total registered cases** presents the total number of cases awaiting to be adjudicated during the reporting period. *Total registered cases* is the sum of figures in columns 1 and 2*.*

TABLE 9 – STATISTICS ON THE AGE OF PENDING CASES

Table No. 9 presents the amount of civil contentious cases, administrative contentious cases and criminal cases that are pending at the end of the reporting period by age, grouped according to established timeframes.

A. *Type of cases*

- The definitions of the types of cases are the same as those in Tables No. 1, 2 and 3 of this Section.

- Row D: **"Total"** is the sum of the figures indicated in A, B and C and is automatically calculated in the table.

B. *Indicators*

- Column 1: presents the total number of **Pending at the end** of the reporting period.

- Columns 2, 3, 4, 5, 6, 7: The **Number of pending at the end** of the reporting period **by age** shall be reported in these columns. The age of a pending case is the amount of time between the date of the registration of the case in court and the last day of the reporting period. The age of cases shall be reported in the respective columns: up to 6 months (1-180 days); 6-12 months (181-360 days), 1-2 years (361-720 days); 2-3 years (721-1080 days); 3-5 years (1081-1800 days) and more than 5 years (over 1800 days).

- Columns 8, 9, 10, 11, 12, 13: The **Percentage of pending at the end** of the reporting period **by age** is the ratio of the number of pending cases by age to the total number of pending cases in the reporting period (Column 1). Values in this column are automatically calculated in the Excel sheet.