



Judicial systems of the European Union countries

***Analysis of data
by the European Commission
for the Efficiency of Justice (CEPEJ)
Council of Europe***

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June 2013

This study is based on the data collected during the preparatory work carried out by the CEPEJ's Working Group on Evaluation of Judicial Systems (GT-EVAL)¹ with a view to preparing the latest, 2012 report on "European judicial systems" by the European Commission for the Efficiency of Justice.

The fourth edition of the CEPEJ's report (2010 data), presented in Vienna on 20 September 2012 to the Conference of Ministers of Justice of the 47 member states of the Council of Europe, provides public decision-makers and legal professionals with a data base and an analytical tool to learn more about the functioning of Europe's public judicial service so as to be able to increase its efficiency and quality.

This study makes use of the methodology devised by the CEPEJ's expert group on evaluation, chaired by Jean-Paul Jean. Readers therefore are referred to the report for all the details on methodological aspects which are described in particular in this context. The aim of the study before you is to make a specific comparative analysis of the 27 European Union member states. With a view to the future, Croatia was included in the list of member states to take account of the fact that it is joining the European Union on 1 July 2013². The candidate countries (Iceland, the former Yugoslav Republic of Macedonia, Montenegro, Serbia, Turkey) and potential candidates (Albania, Bosnia and Herzegovina) were also added. The quality of the data available makes it possible to compile and analyse some significant sets of statistics in important areas to assess the major trends in Europe's judicial systems and tie these in with reform processes that are needed or already under way. Drawing on these data, the CEPEJ proposes tools to help with the process of devising, implementing and assessing public policies to improve the efficiency of judicial systems in the European Union, based on the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights.

All the data sent in by member states, which were used as the basis of this report are available on the CEPEJ website at www.coe.int/CEPEJ.

They should be read in conjunction with the national replies, which are also freely available and include descriptions of judicial systems and explanations which help to understand more about some of the data and trends identified.

To avoid hasty judgments and meaningless parallels, it should also be stressed that this comparison of quantitative and qualitative data comes from states with varying historical, geographical, economic and judicial situations. Although the whole development of the European Union as a legal and judicial area is directed towards bringing together justice systems on the basis of shared values, the comparison must always take account of specific national characteristics such as size, levels of wealth, or judicial culture and traditions, particularly the differences between states with systems based on Roman law and common law and states in transition.

1. DEMOGRAPHIC REPRESENTATIVENESS AND LEVELS OF WEALTH

The countries have been divided into two groups, the first made up of the EU 28, including Croatia, and the second of the candidate and the potential candidate countries.

Data on population and wealth (GDP and average gross wage) make it possible to establish ratios with which to adjust raw data, particularly budgetary data and data linked to the activity of courts.

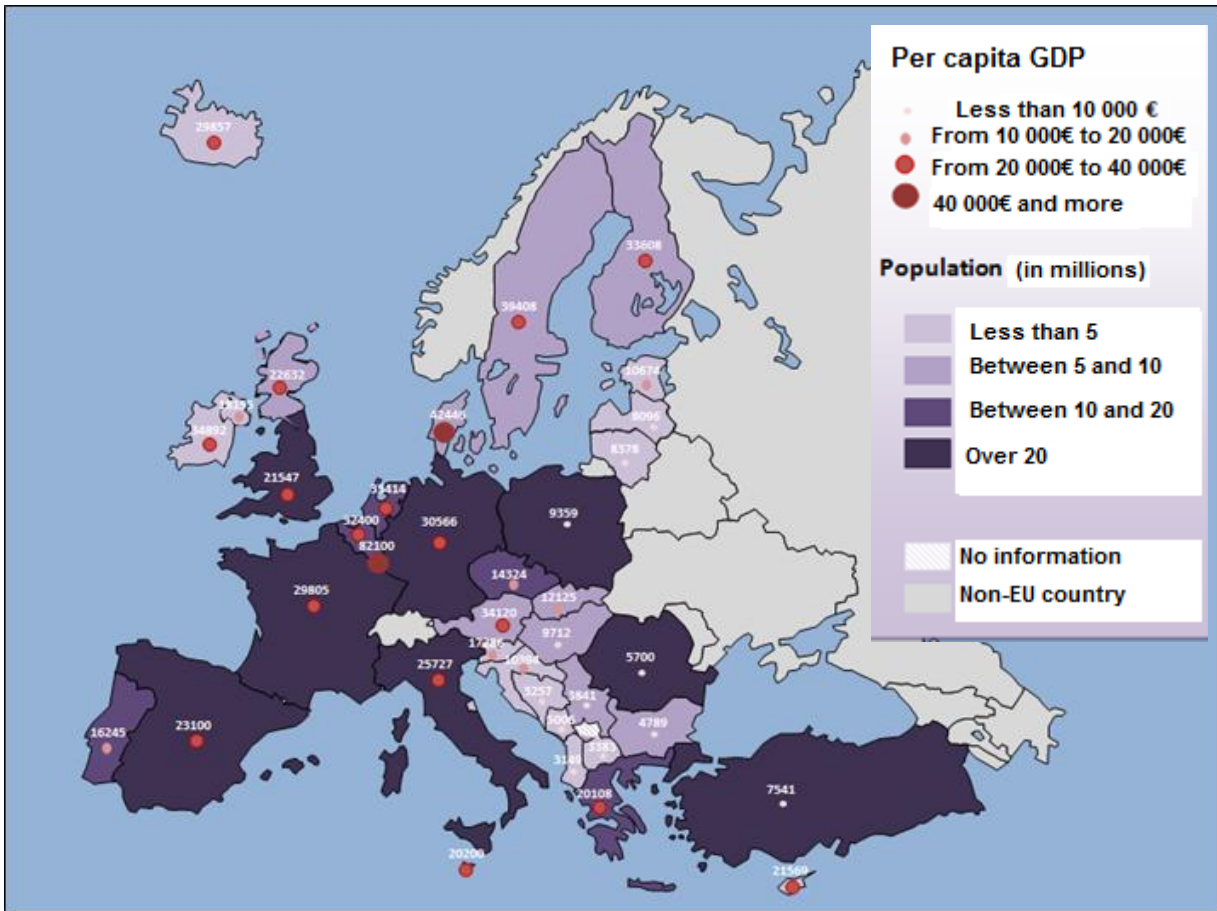
¹ The CEPEJ working group, chaired by Jean-Paul Jean (France), was made up of Munira Dossaji (United Kingdom), Beata Z. Gruszczyńska (Poland), Ramin Gurbanov (Azerbaijan), Adis Hodzic (Bosnia-Herzegovina), Georg Stawa (Austria), Frans van der Doelen (Netherlands) and the scientific experts, Julien Lhuillier and Daria Solenik. The data base was managed by Svetlana Spojala, consultant.

² Treaty on the Accession of Croatia signed on 9 December 2011 in Brussels.

1.1 Demographic representativeness and levels of wealth in the EU member states and candidate countries

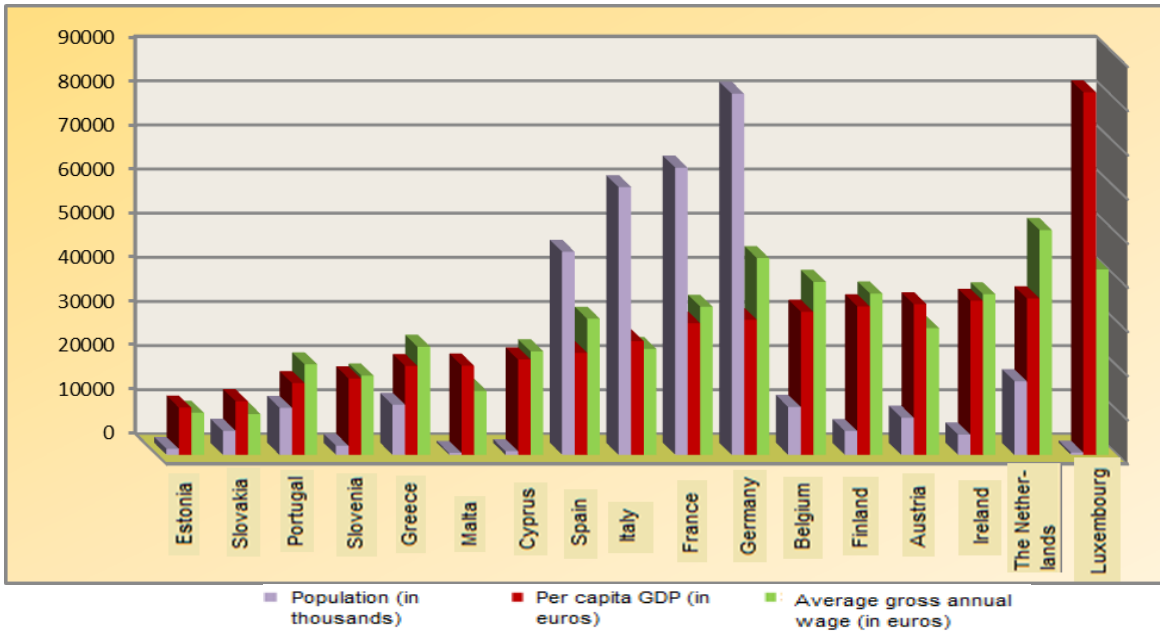
STATES	Population	Per capita GDP (in euros)	Average gross annual wage (in euros)
EU 28			
Austria	8 387 742	34 120.00	28 715.00
Belgium	10 839 905	32 400.00	39 165.00
Bulgaria	7 364 570	4 789.00	3 165.00
Croatia	4 412 137	10 394.00	12 647.00
Cyprus	804 536	21 569.00	23 424.00
Czech Republic	10 517 247	14 324.00	11 395.00
Denmark	5 560 628	42 446.00	49 882.00
Estonia	1 340 194	10 674.00	9 508.00
Finland	5 375 276	33 608.00	36 516.00
France	65 026 885	29 805.00	33 512.00
Germany	81 751 602	30 566.00	44 532.00
Greece	11 309 885	20 108.00	24 460.00
Hungary	9 986 000	9 712.00	9 291.00
Ireland	4 581 269	34 892.00	36 371.00
Italy	60 626 442	25 727.00	23 976.00
Latvia	2 229 600	8 096.00	7 588.00
Lithuania	3 244 600	8 378.00	6 910.00
Luxembourg	511 840	82 100.00	42 000.00
Malta	417 617	20 200.00	14 466.00
Netherlands	16 655 799	35 414.00	50 900.00
Poland	38 200 000	9 359.00	9 769.00
Portugal	10 636 979	16 245.00	20 500.00
Romania	21 431 298	5 700.00	5 355.00
Slovakia	5 435 273	12 125.00	9 228.00
Slovenia	2 050 189	17 286.00	17 939.00
Spain	45 989 016	23 100.00	30 819.00
Sweden	9 415 570	39 408.00	38 078.00
United Kingdom (England/Wales)	55 200 000	21 547.00	31 728.00
United Kingdom (Northern Ireland)	1 799 392	18 155.00	26 895.00
United Kingdom (Scotland)	5 222 100	22 632.00	28 915.00
CANDIDATE COUNTRIES			
Iceland	318 452	29 857.00	34 174.00
FYR Macedonia	2 057 284	3 383.00	5 930.00
Montenegro	620 029	5 006.00	8 580.00
Serbia	7 120 666	3 981.00	5 694.00
Turkey	72 561 312	7 541.00	11 501.00
POTENTIAL CANDIDATE COUNTRIES			
Albania	3 195 000	3 149.00	3 772.00
Bosnia and Herzegovina	3 843 126	3 257.00	7 467.00

1.2 Map showing populations and levels of wealth

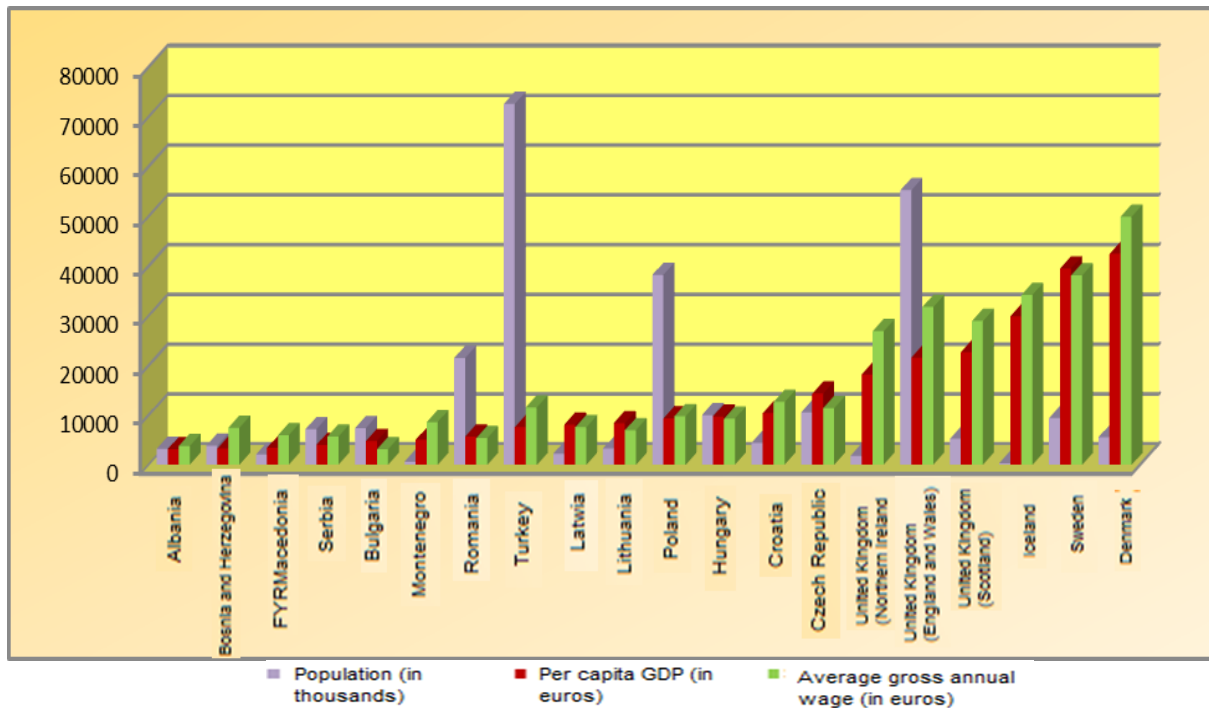


1.3 Populations and wealth in the eurozone countries

The distinction between eurozone countries and others will be applied when calculating budgetary ratios, bearing in mind the variation in the exchange rates of some currencies on the reference date (1 January 2010).



1.4 Populations and wealth in the non-eurozone countries



2. STATE BUDGETS FOR JUDICIAL SYSTEMS

2.1 State budgets for judicial systems in the member states and candidate countries

The budget for judicial systems according to the CEPEJ's definition is made up of total spending on courts, public prosecution services and legal aid.

Depending on the state, methods of funding of courts, public prosecution services and legal aid may be common or separate. In this study, these three components have been divided up to enable comparisons to be made, both between the funds allocated to prosecution and judgment and the amounts earmarked for access to justice. These data make it possible to compare the budgets allocated to their judicial system by all the EU member states and candidate countries.

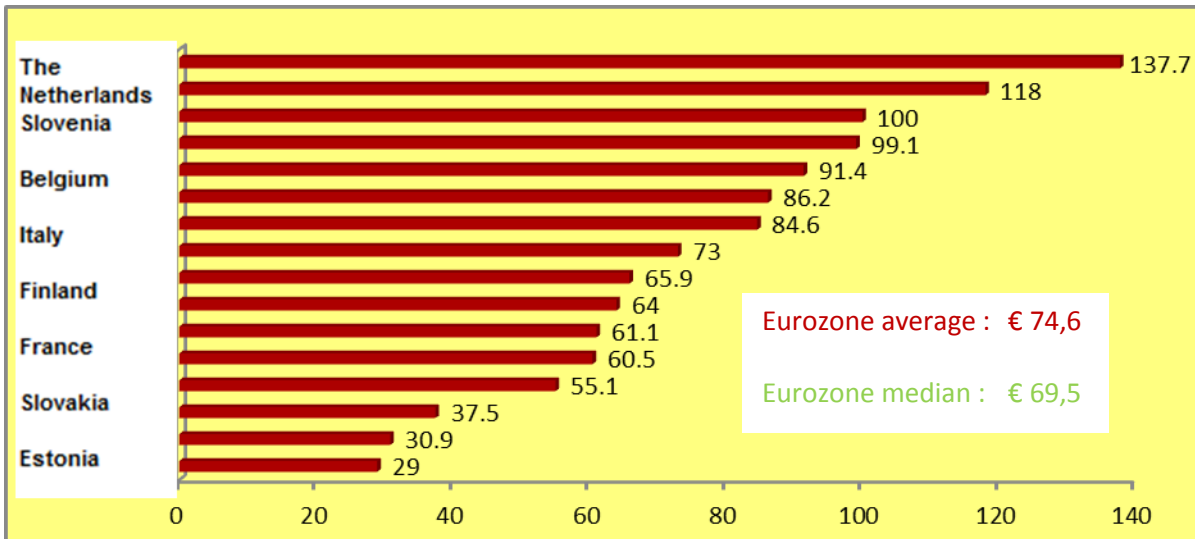
Only eight of the 35 countries (and seven of the 28 member states) have a system which makes it impossible to distinguish the budget for the public prosecution service from the budget for their courts, as they are managed jointly, namely Germany, Austria, Belgium, Spain, France, Greece, Luxembourg and Turkey. This is part of the Napoleonic legacy, as the growing trend is for there to be an administrative separation between the prosecuting bodies and trial bodies in line with the legal separation called for by the European Convention for the Protection of Human Rights and Fundamental Freedoms (for instance, Spain is moving its system towards separation).

STATES	Annual state budget allocated to all courts (in euros)	Annual state budget allocated to legal aid (in euros)	Annual state budget allocated to public prosecution (in euros)	Total budget (in euros)
EU 28				
Austria	NA	18 400 000	NA	709 980 000
Belgium	NA	75 326 000	NA	934 837 000
Bulgaria	112 211 184	3 867 730	79 203 203	195 282 117
Croatia	211 304 301	229 550	41 296 176	252 830 027
Cyprus	33 546 827	NA	15 964 412	NA
Czech Republic	346 497 809	28 361 213	83 446 289	458 305 311
Denmark	216 795 693	87 896 311	NA	NA
Estonia	26 797 340	2 982 213	9 135 614	38 915 167
Finland	243 066 350	58 100 000	42 937 000	344 103 350
France	NA	361 197 138	NA	3 935 548 101
Germany	NA	382 382 576	NA	8 171 552 490
Greece	NA	2 500 000	NA	623 470 911
Hungary	259 501 133	304 823	102 321 320	362 127 276
Ireland	148 722 000	87 435 000	43 854 000	280 011 000
Italy	3 051 375 987	127 055 510	1 249 053 619	4 427 485 116
Latvia	36 919 820	842 985	15 913 545	53 676 350
Lithuania	50 567 945	3 906 105	29 555 000	84 029 050
Luxembourg	NA	3 000 000	NA	70 458 676
Malta	10 260 000	85 000	2 569 000	12 914 000
Netherlands	990 667 000	359 000 000	615 642 000	1 965 309 000
Poland	1 365 085 000	23 244 000	312 514 570	1 700 843 570
Portugal	528 943 165	51 641 260	119 901 622	700 486 047
Romania	355 246 737	7 915 238	162 428 333	525 590 308
Slovakia	138 493 788	1 357 776	63 702 886	203 554 450
Slovenia	178 158 919	5 834 338	19 263 376	203 256 633
Spain	NA	237 898 199	NA	4 202 016 219
Sweden	557 260 358	195 683 782	127 316 425	880 260 565
United Kingdom (England/Wales)	1 182 000 000	2 521 000 000	755 810 000	4 458 810 000
United Kingdom (Scotland)	146 420 820	NA	135 475 200	NA
United Kingdom (Northern Ireland)	83 154 000	96 280 000	43 500 000	222 934 000
EU 28 AVERAGE	446 652 008	169 418 812	185 036 527	1 334 021 731
CANDIDATE COUNTRIES				
Iceland	7 413 547	4 004 810	872 985	12 291 342
Montenegro	19 943 898	169 921	5 176 984	25 290 803
Serbia	111 016 635	NA	22 608 698	183 772 111
FYR Macedonia	28 541 751	NA	4 740 867	NA
Turkey	NA	79 338 098	NA	1 234 286 802
Albania	10 552 685	21 429	8 901 893	19 476 007
Bosnia and Herzegovina	69 300 099	5 906 637	20 400 465	95 607 201
AVERAGE FOR CANDIDATE COUNTRIES	41 128 103	17 888 179	10 450 315	261 787 378
OVERALL AVERAGE	362 750 310	146 459 626	147 625 196	1 139 070 030

There are major disparities between the member states where it comes to the budget they allocate for the functioning of the judicial system. It is for this reason that comparisons are only meaningful if they are made between comparable states in terms of wealth levels. On average, there is a tendency for budgets allocated to judicial systems to increase. In many countries the share of the budget has grown considerably since 2008, as in Cyprus, Lithuania, and Portugal, particularly as a result of investments in buildings or computer applications. By contrast, some EU member and candidate countries have reduced their judicial budget because of the economic and financial crisis including Albania, Estonia, Hungary, Ireland, Latvia, Romania, Serbia, Slovakia and the former Yugoslav Republic of Macedonia.

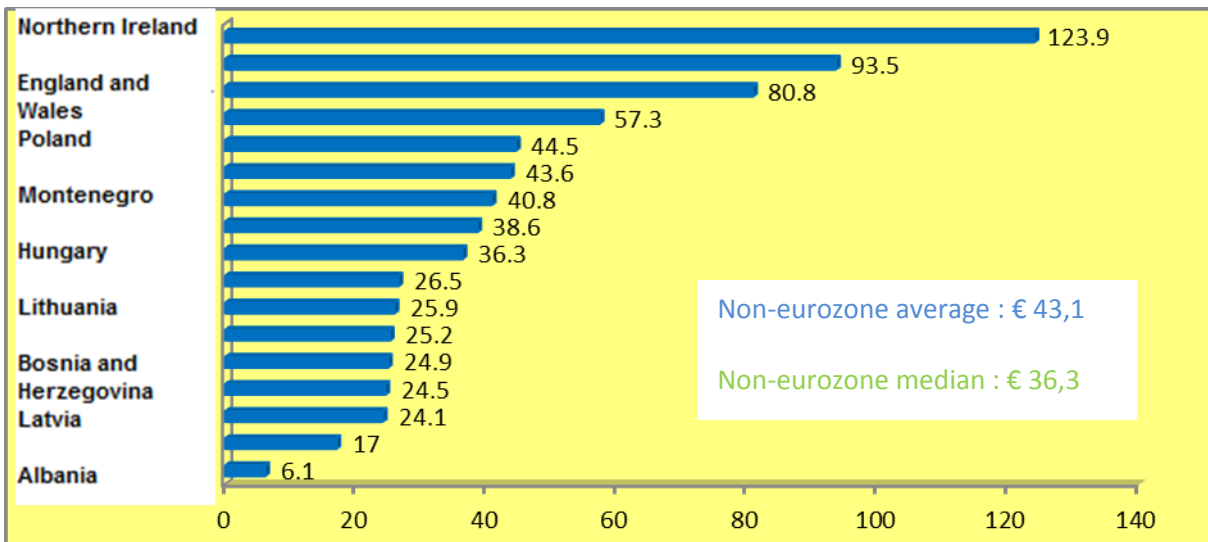
2.2. The per capita annual budget allocated to all courts, legal aid and public prosecution in 2010 (in euros)

2.2.1. Per capita budget for the eurozone countries



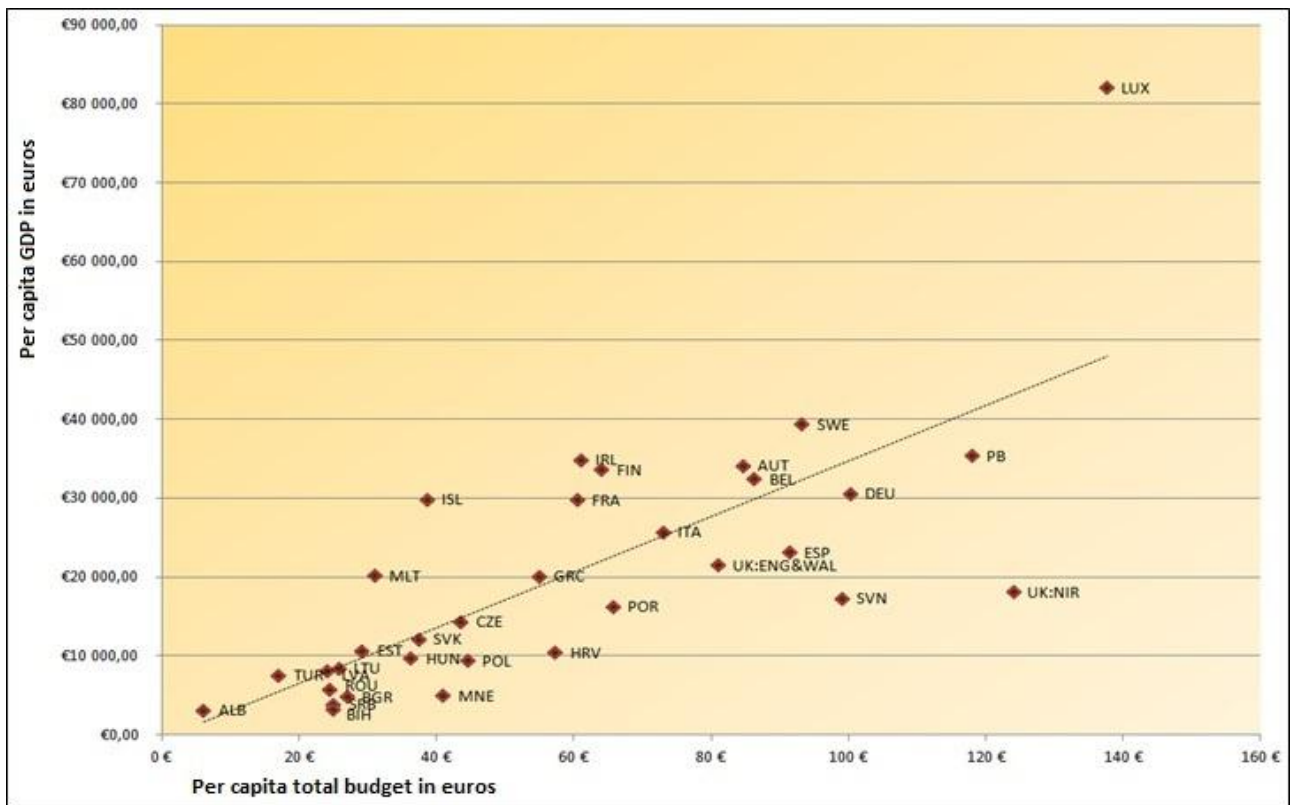
The average per capita budget allocated to judicial services was €74.60 in 2010 in the eurozone countries, with a gap of only one to two euros between 11 out of 15 comparable countries (in a range from €60.50 for France to €118 for the Netherlands). By comparison, the average was €65.70 per capita in the EU member states and €58.40 including candidate and potential candidate countries. The median value for the budget allocation was €61.10 in the EU countries (and €55.10 including the candidates and potential candidates). Nearly half of the EU countries have per capita budgets above the European average.

2.3.2. Per capita budget for the non-eurozone countries

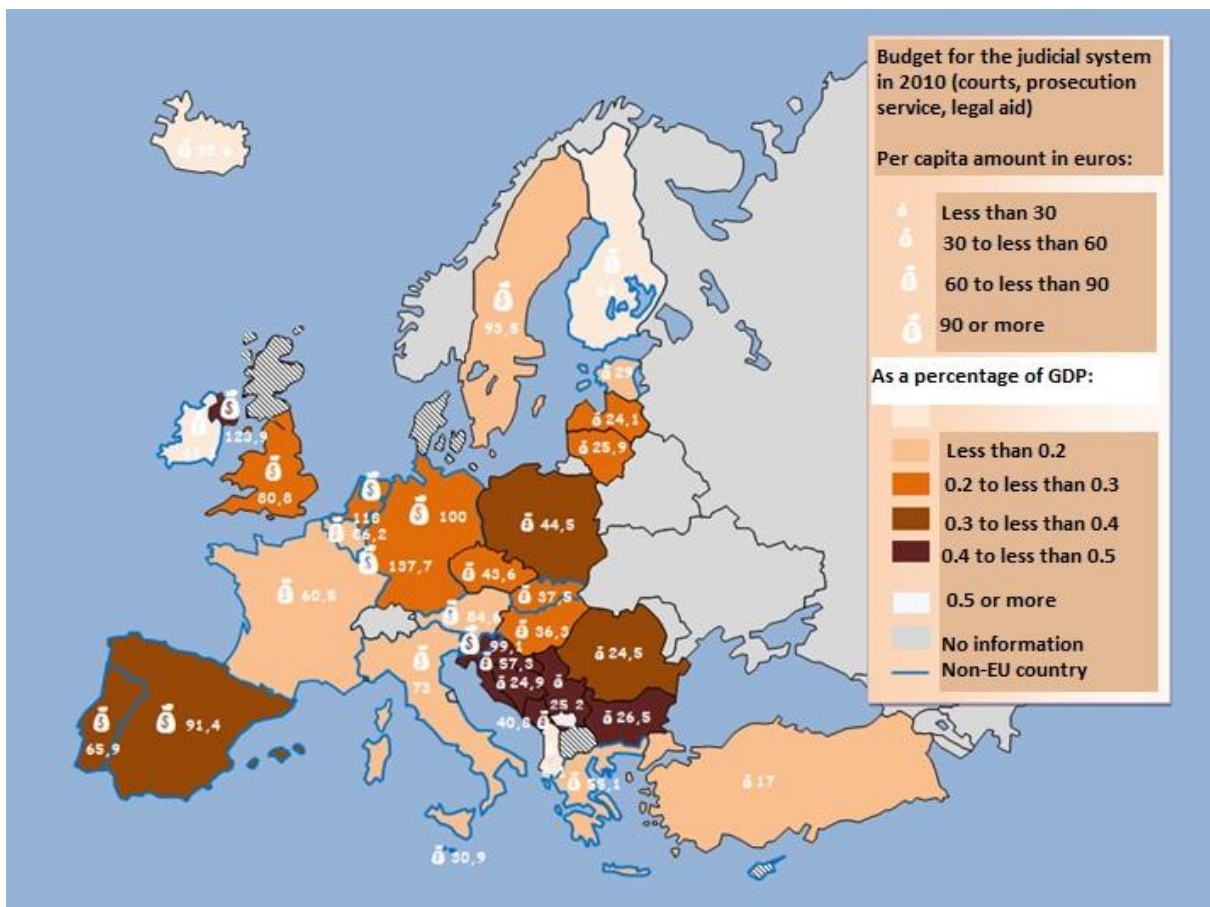


2.3. Correlation between per capita GDP and total budget (courts, legal aid and public prosecution services)

On the whole, there is a strong correlation between the per capita state budget allocated to the judicial system and per capita GDP (the level of investment increases as GDP rises). However, this correlation is somewhat less obvious between some groups of countries with comparable GDPs (such as Austria, Belgium, France, Ireland, Iceland, Finland, Germany, the Netherlands and Sweden); in this case the comparison highlights countries' real budgetary efforts (the Netherlands and Germany invest most in their judicial systems whereas France invests far less).

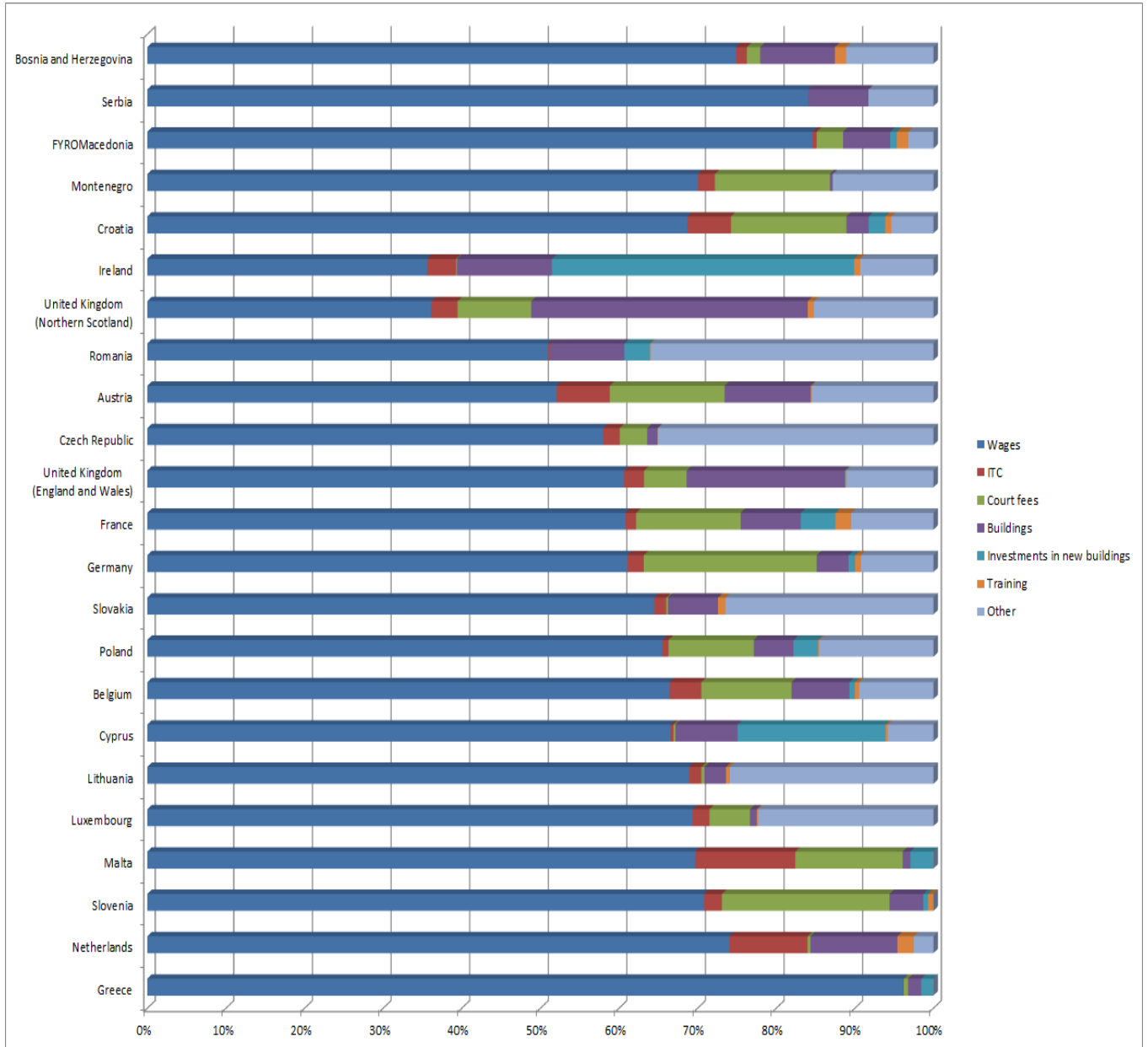


2.4. Real per capita budgets compared to GDP



2.5. Allocation of the state budget to different budget headings

On average, wages account for about two-thirds of public spending on judicial systems. The tendency for certain countries to outsource services can mean that this spending is allocated to service contracts. Common law countries, which make wide use of magistrates, who are paid allowances but not wages, have lower staff costs. Some countries have invested a great deal in ICT (Austria, Belgium, Netherlands) and/or training (France, Netherlands).

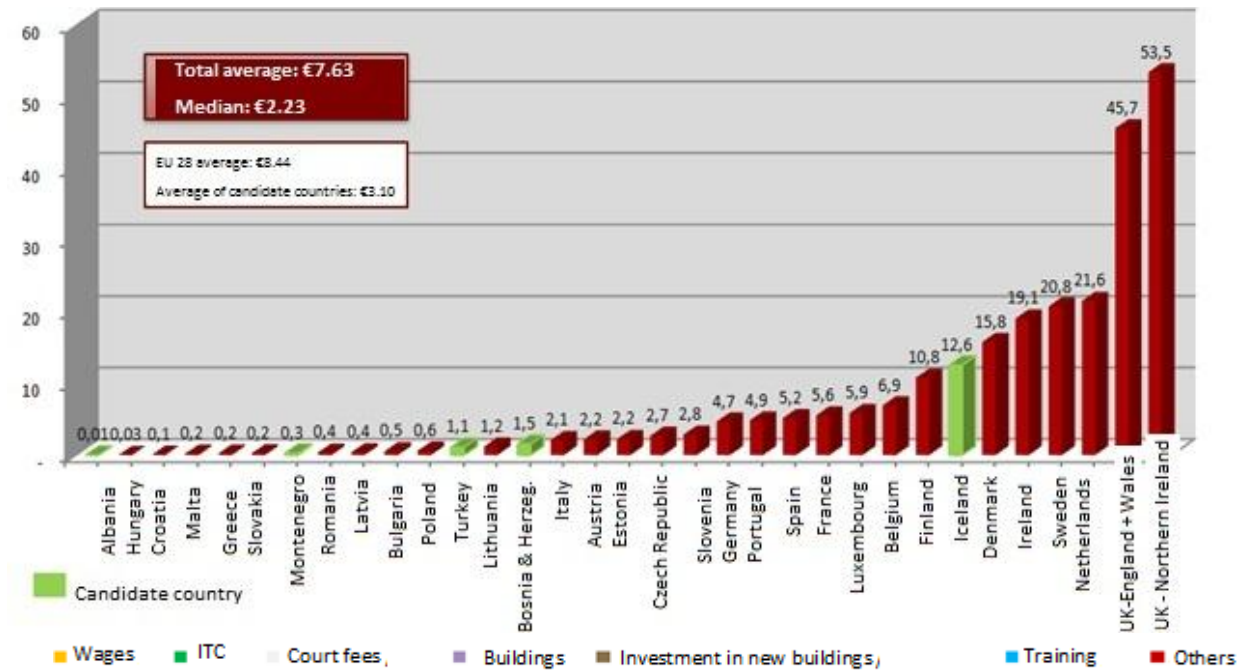


Averages:

- Wages: 65.7%
- ITC: 2.9%
- Court fees: 7.3%
- Buildings: 7.6%
- Investments: 3.4%
- Training: 0.6%

3. ACCESS TO JUSTICE

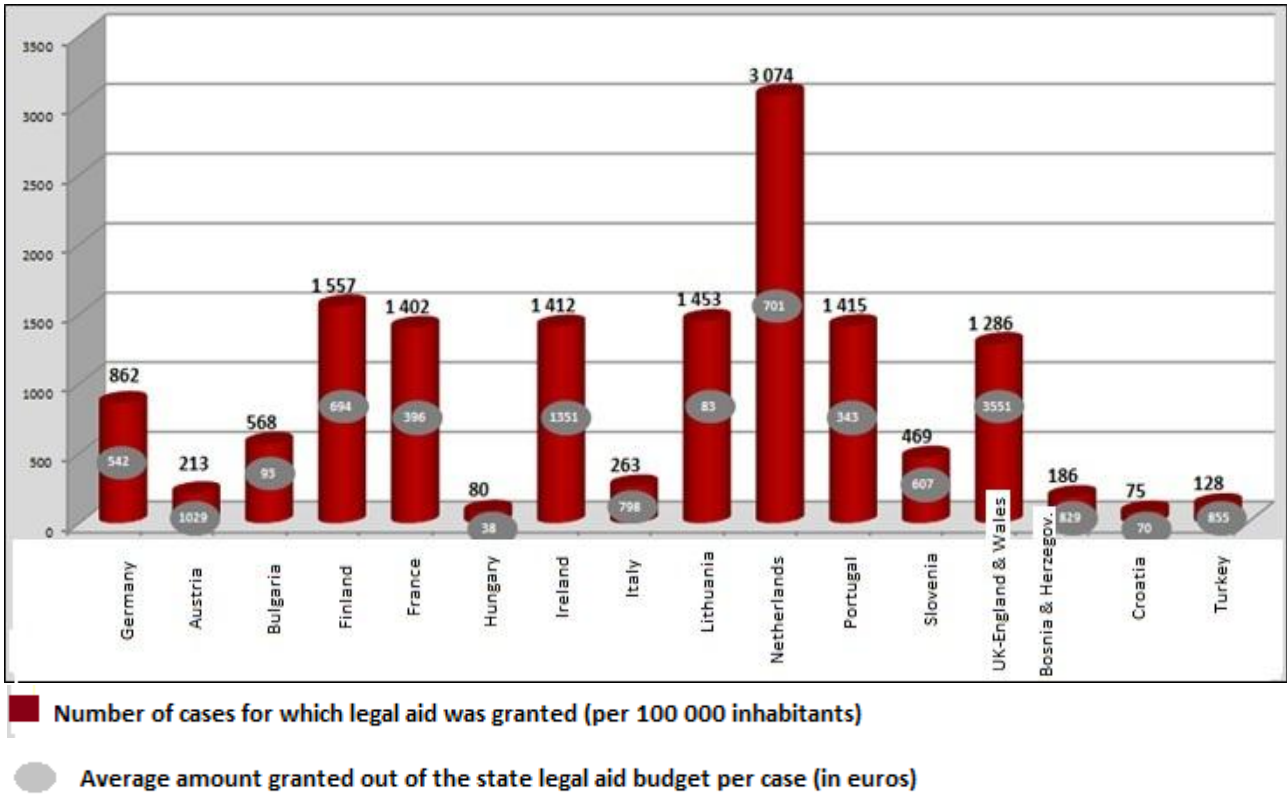
3.1. Per capita annual state budget allocated to legal aid in 2010 (in euros)



All the EU member states or candidate or potential candidate countries now have a legal aid system and therefore at least satisfy the requirements of Article 5 of the European Convention on Human Rights concerning the provision of free legal defence for anyone charged with a criminal offence. Nonetheless, the data collected still do not make it possible to ascertain whether the states concerned all provide the necessary financial support for the effective access to justice provided for by Article 47 of the Charter of Fundamental Rights of the European Union.

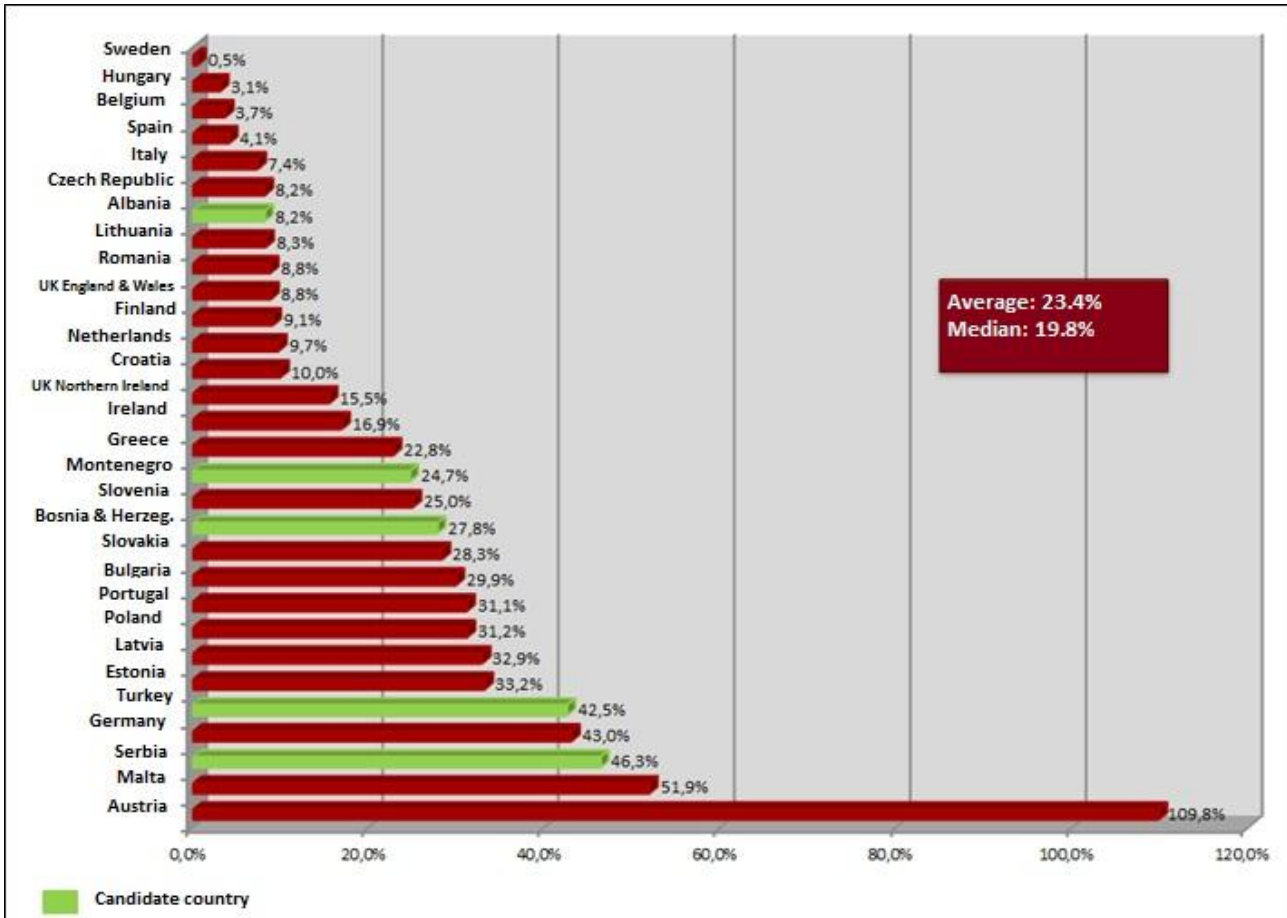
The overall sums allocated to legal aid systems vary substantially. The United Kingdom allocates by far the largest sums (over €45 per inhabitant), followed by the Netherlands (€21.60), the other northern European countries (€10.80 to € 20.80) and then another group made up of Germany, Portugal, Spain, France and Belgium (€4.70 to €6.90).

3.2. Awards of legal aid in terms of the number of cases per inhabitant and average amounts



The detail of sums awarded shows that only some states pay lawyers large amounts for each case and open up legal aid to many people. The United Kingdom and Ireland pay the highest amounts and the Netherlands is the country in which legal aid is granted for the largest number of cases. Other countries have very restrictive requirements for entitlement to legal aid but pay large amounts to lawyers who take such cases (Austria, Italy).

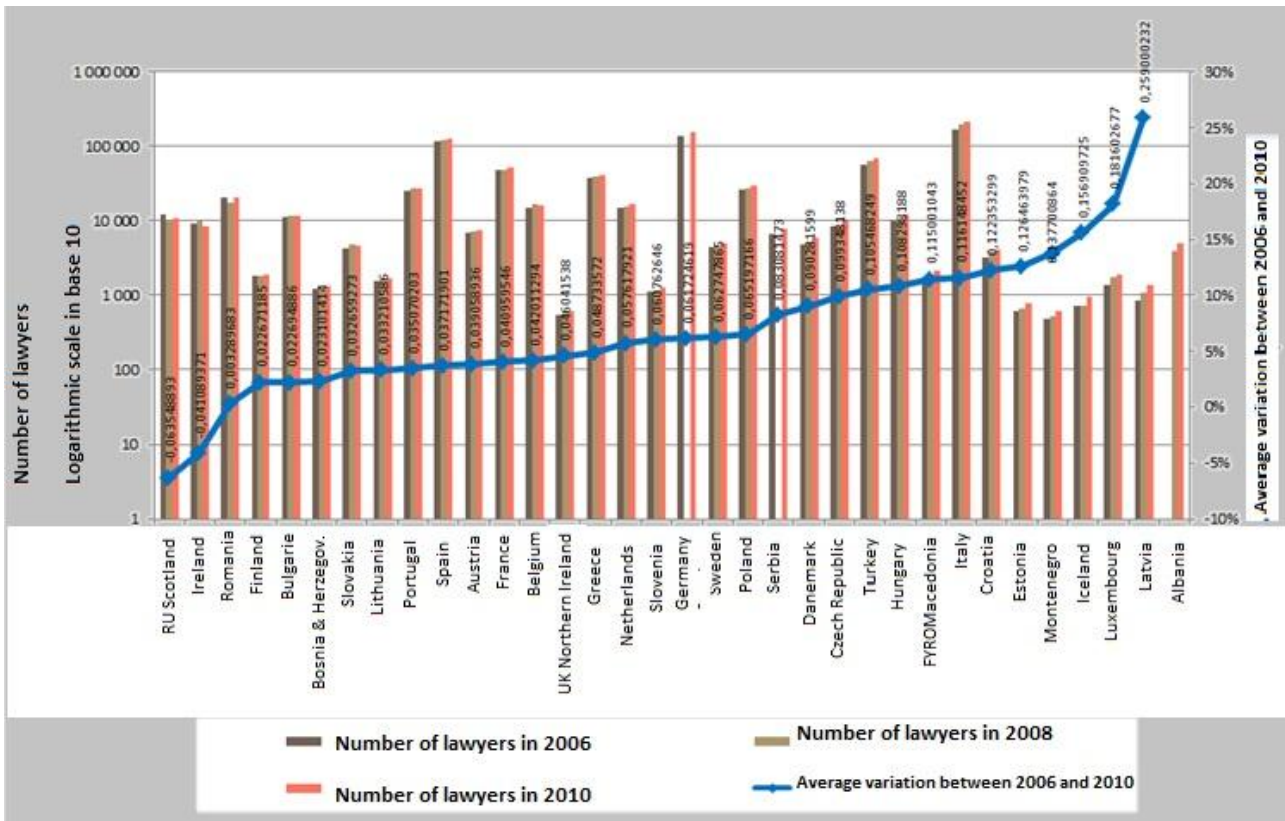
3.3. Share of court fees in the budget allocated to courts, legal aid and the prosecution service



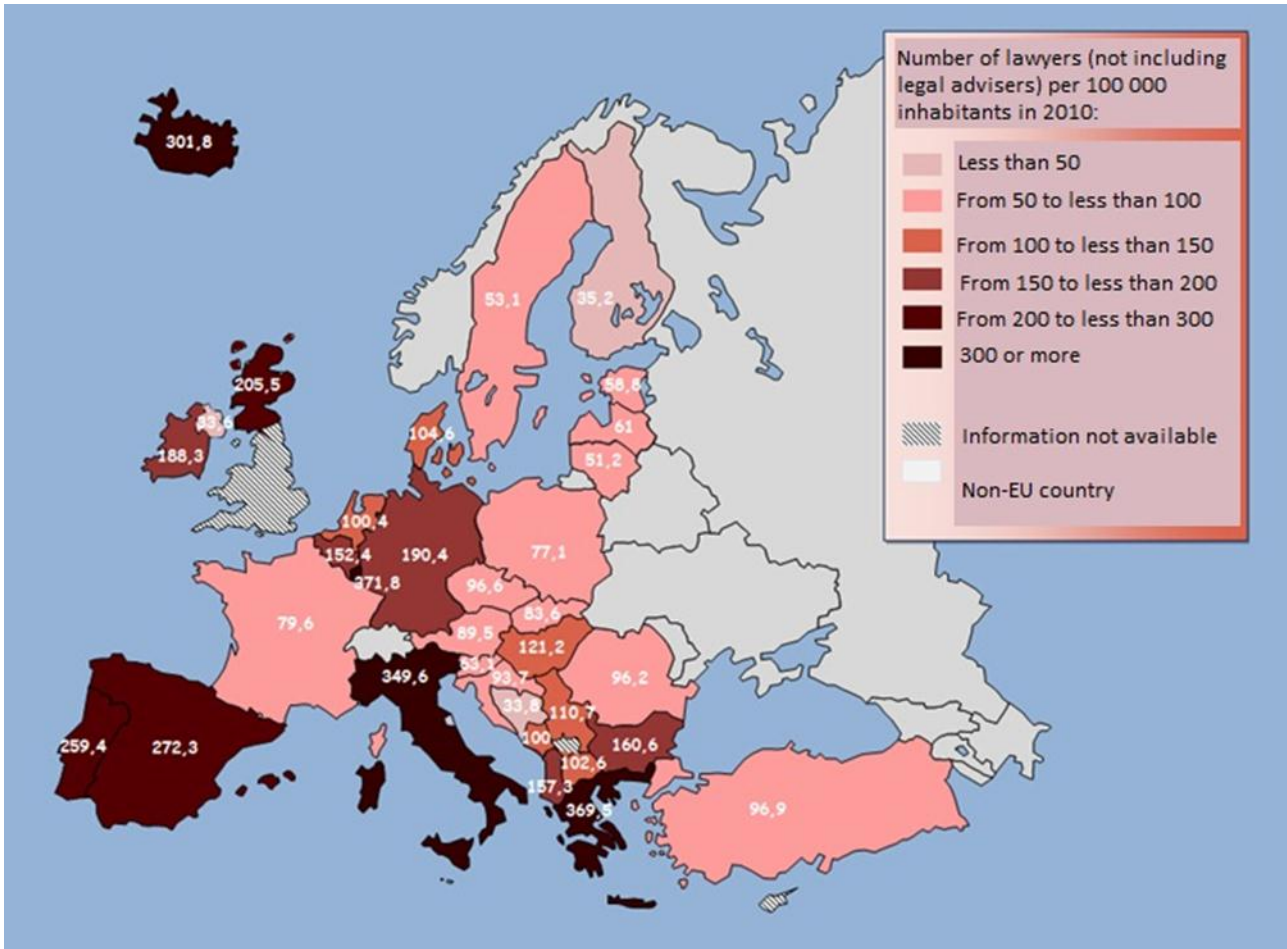
For most EU states court fees are a key financial resource and parties to proceedings are increasingly seen as consumers of a public service, who are expected to contribute to its cost unless they are entitled to legal aid. Only Luxembourg has established free access to justice for all its citizens (France amended its legislation in 2011). The countries with the largest resources are those where the courts are also responsible for real estate or company registers, for which users pay fees for administration, access to information and formalities. As things stand, it is impossible to distinguish these receipts from those deriving from judicial proceedings alone.

3.4. Numbers of lawyers (not including legal advisers) and the average variation between 2006 and 2010

“Legal Europe” is on the rise and this is the result not only of increased access to justice but also of the increase in the number of lawyers, particularly in the countries of the former Eastern bloc.

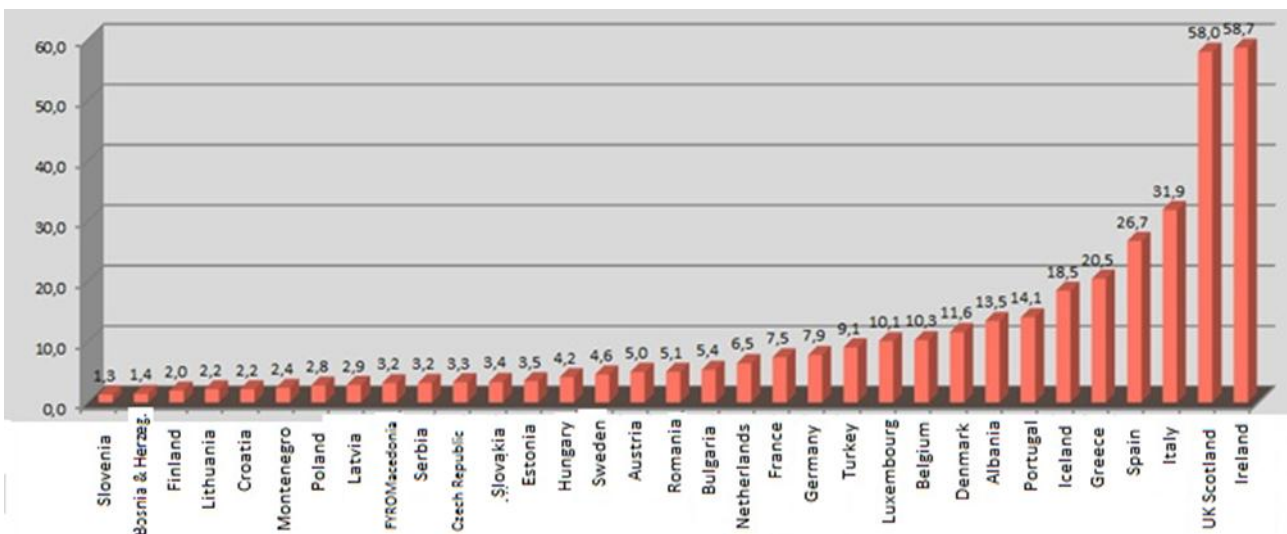


3.5. Number of lawyers (not including legal advisers) per 100 000 inhabitants in 2010



If we discount the very specific situation of Luxembourg, the number of lawyers per inhabitant (not including legal advisers) is highest by far in the southern European countries, where the public shows a highly litigious tendency (Portugal, Spain, Italy and Greece, which have between 260 and 370 lawyers per 100 000 inhabitants). The northern European countries, apart from Iceland, have the lowest levels (35 to 59 in Finland, Sweden and the Baltic states).

3.6. Number of lawyers (not including legal advisers) per professional judge



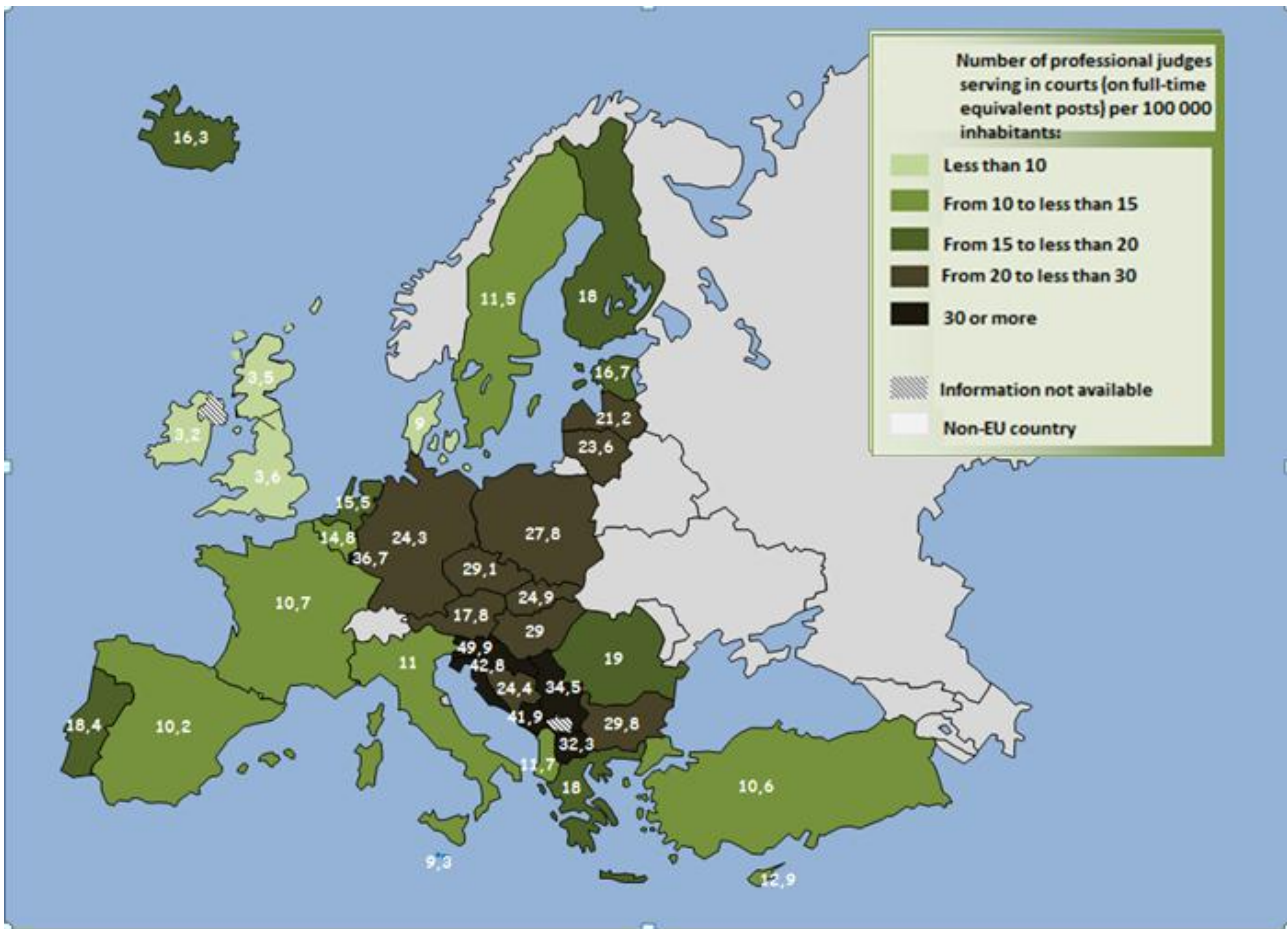
The ratio of lawyers per professional judge is inevitably very high in common law countries because of the

major role played in these countries by magistrates, who deal with over 95% of cases. For historical reasons it is the eastern European countries which have the lowest ratio (ranging from 1.5 to 3.5 lawyers per professional judge). If we discount the particular situation in the Mediterranean countries (see above), the other comparable countries have ratios ranging from five to ten (Austria, Netherlands, France, Germany, Belgium).

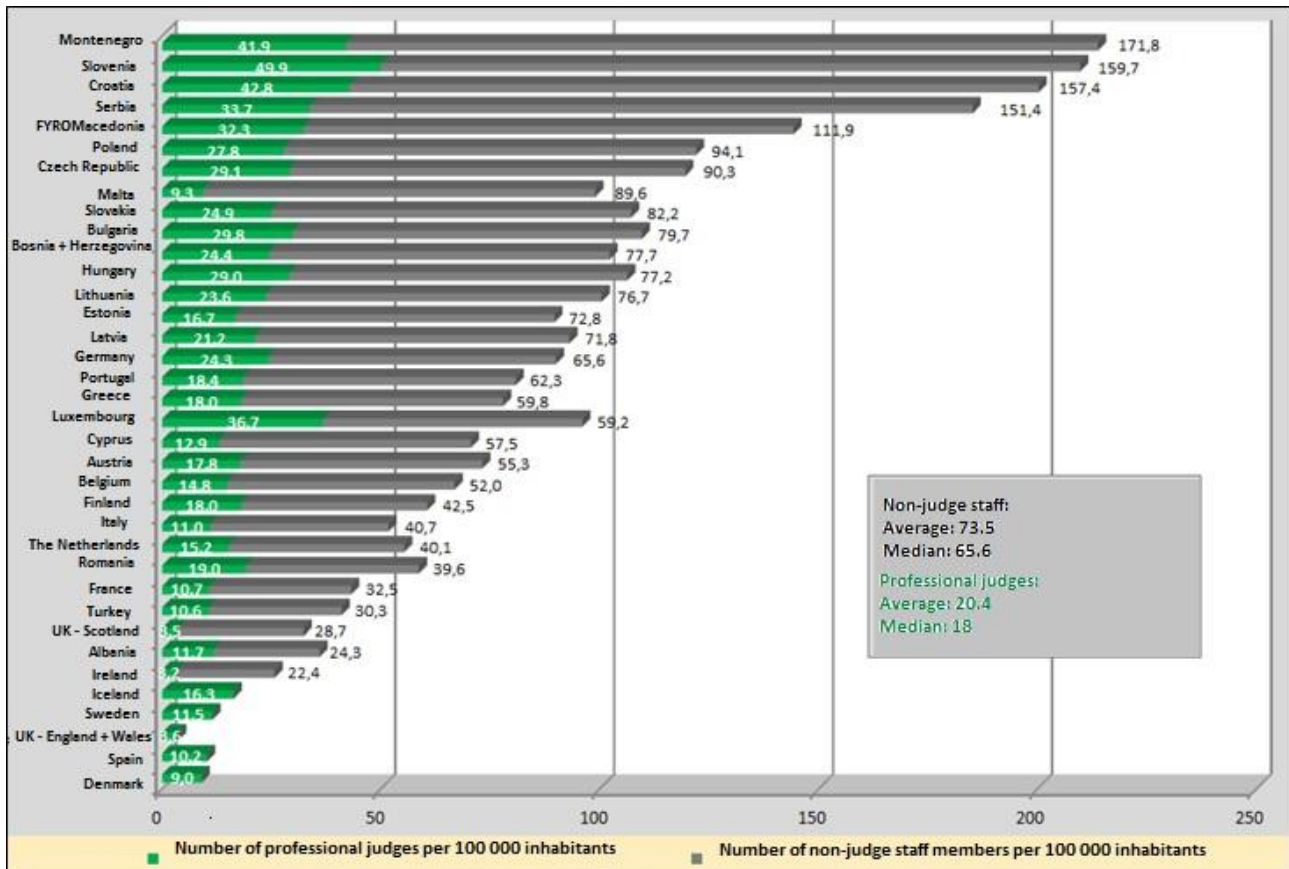
4. JUDICIAL STAFF

To cater for the diversity of statuses, judges were divided into three categories: professional judges (with a further distinction between those that are permanently active and those that serve as judges only occasionally) and non-professional judges (volunteers who are only paid allowances).

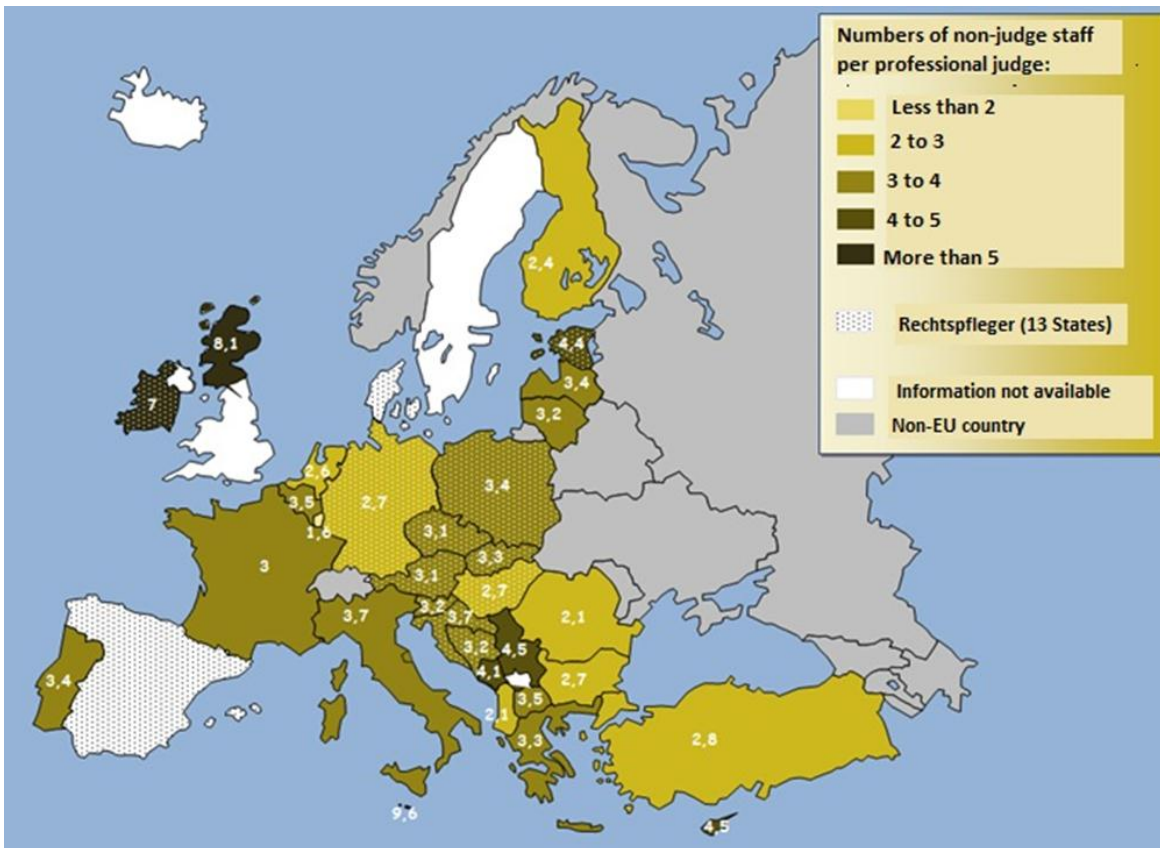
4.1. Number of professional judges serving in courts (on full-time equivalent posts) per 100 000 inhabitants



4.2. Respective proportions of non-judge staff and professional judges per 100 000 inhabitants



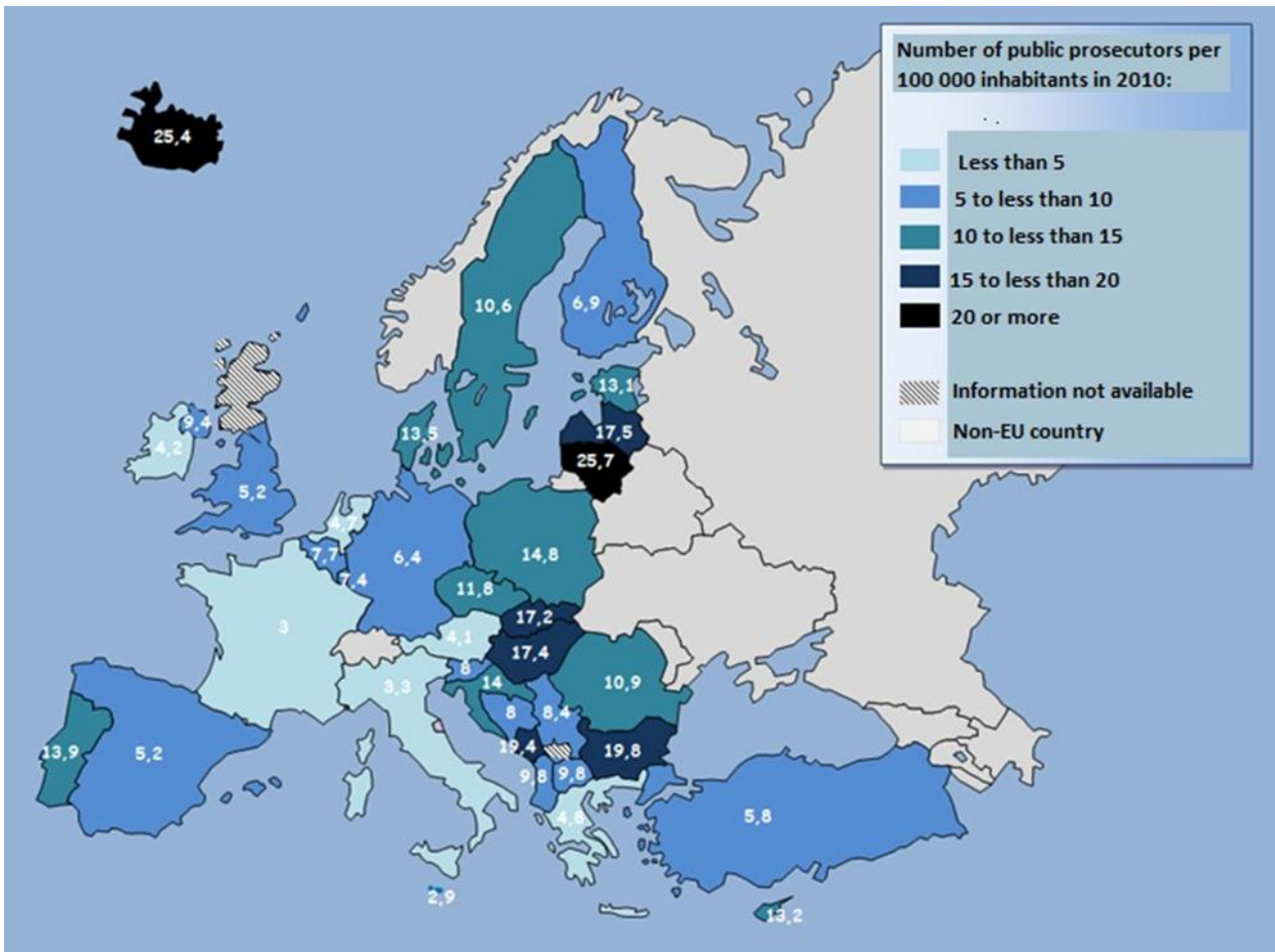
4.3. Ratio of non-judge staff and Rechtspfleger to professional judges



Non-judge staff working for courts can be divided into four categories. The first very specific one, inspired by the German system, is that of the “Rechtspfleger”, who have quasi-judicial powers and are found in 14 states. The other categories are staff whose task is to assist judges directly, staff responsible for various administrative matters and the technical staff employed by courts (caretakers, drivers, etc.). In most member states, most non-judge staff working at courts are responsible for assisting judges directly. The ratio lies very predominantly between 2.5 and 4 officials per judge (map 4.3) but the eastern European countries have a combination of a very high number of professional judges and court officials per inhabitant (table 4.2)³.

4.4. Number of public prosecutors per 100 000 inhabitants

³ France and Greece were not able to separate out the figures for the different categories of officials assigned to the prosecution service and the courts, so the ratio for these two countries is that of professional judges and prosecutors to total judicial staff.

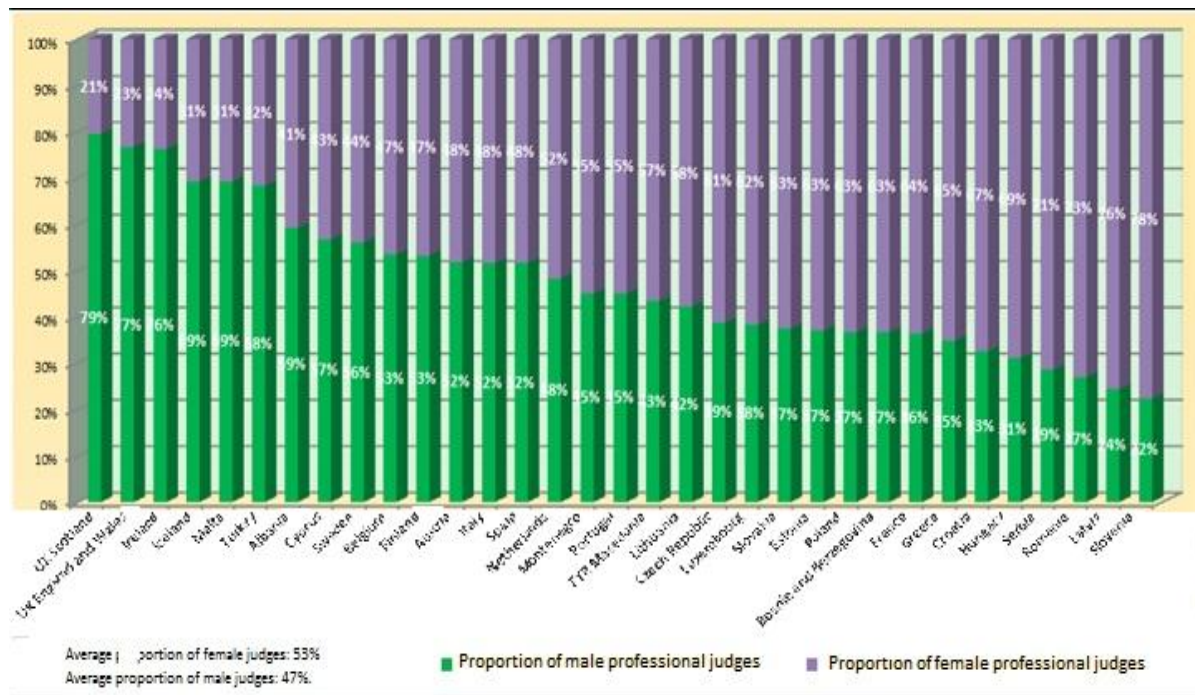


The public authority whose main responsibility is to carry out prosecutions has a highly varying status from one state to another and may perform other functions (see below). The public prosecution service still has a patently important role in eastern Europe, where ratios range from 14.8 to 25.7 prosecutors per 100 000 inhabitants in Poland, Hungary, Slovakia, Montenegro, Bulgaria and Lithuania.

The lowest ratios (less than 5 prosecutors per 100 000 inhabitants) are found in France, Italy, Austria, Greece and Ireland but, for these countries, these data must be placed in context, as they have a large number of other staff or persons with statuses close to that of prosecutors who perform similar functions or delegated tasks.

4.5. Distribution of men and women and access to positions of responsibility among judges and prosecutors

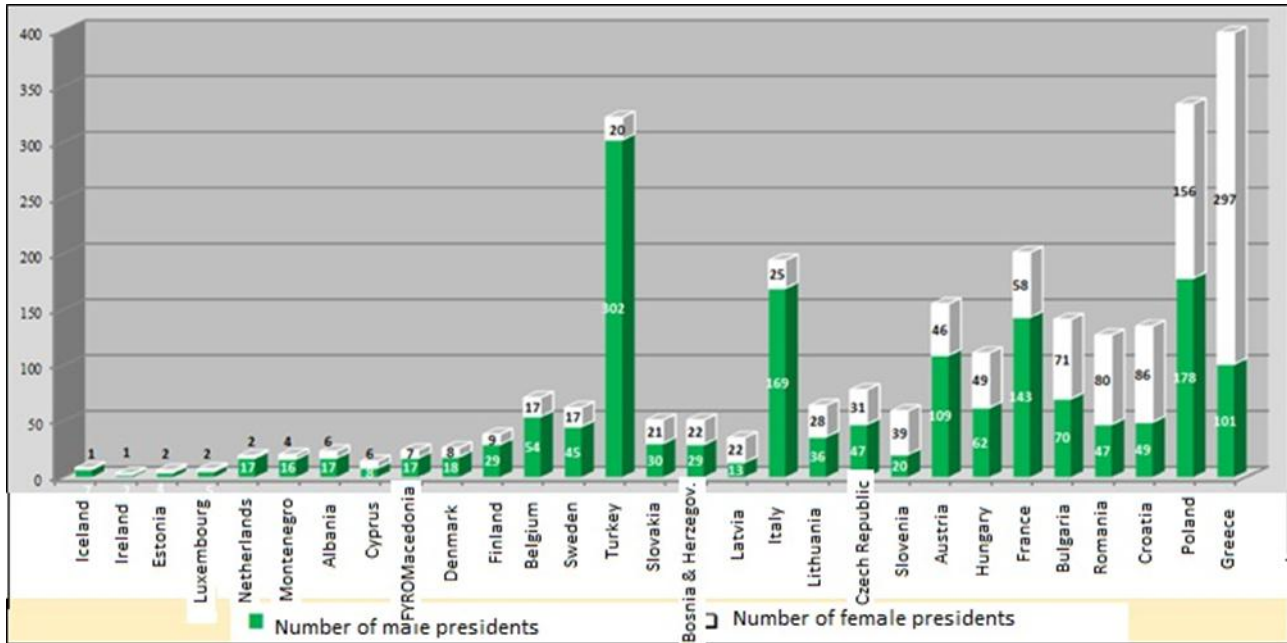
4.5.1. Distribution of male and female professional judges within the total number of professional judges



There are now more women than men (53%) serving as judges in the European Union. However, there are major disparities between states, and recent changes in recruitment patterns appear to be significant. In three countries (Turkey, Malta and Iceland) 68 or 69% of professional judges are men and in three others the proportion is higher (76 to 79% in Ireland, England and Wales, and Scotland).

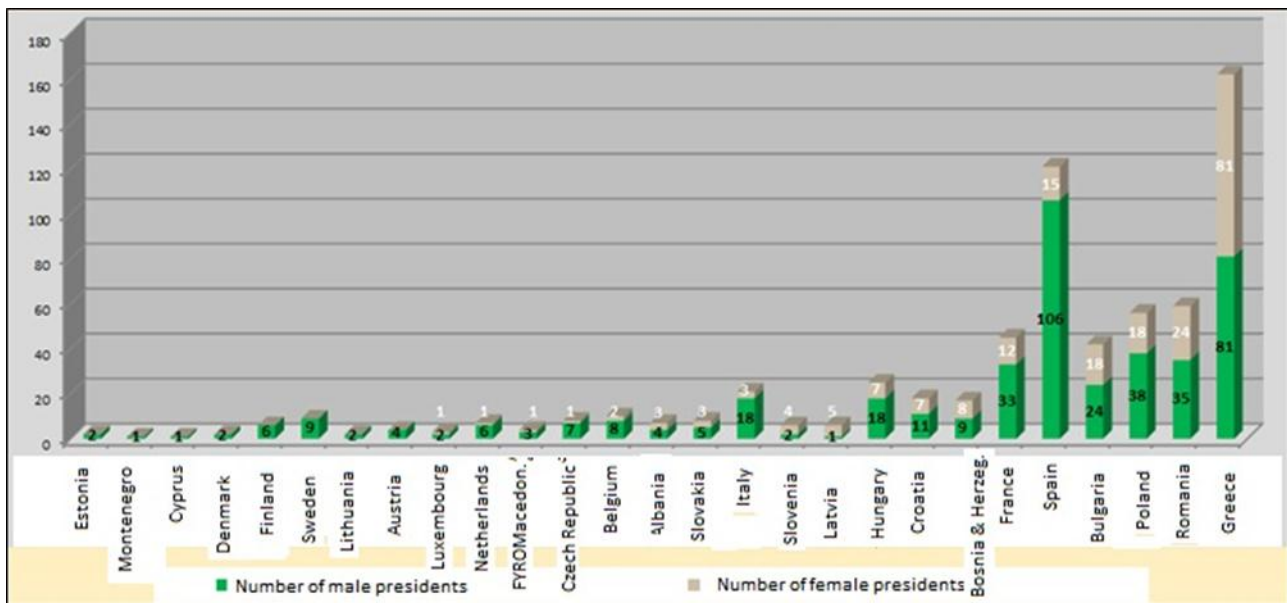
On the other hand, in another six countries women account for 67% (Croatia) or more (Hungary, Serbia, Romania up to 73%, Latvia and Slovenia 78%) of all professional judges. The proportion of women judges in the 21 other states surveyed lies between 65% (Greece, France) and 41% (Albania, Cyprus, Sweden, Belgium).

4.5.2. Distribution of men and women employed as presidents of courts of first instance



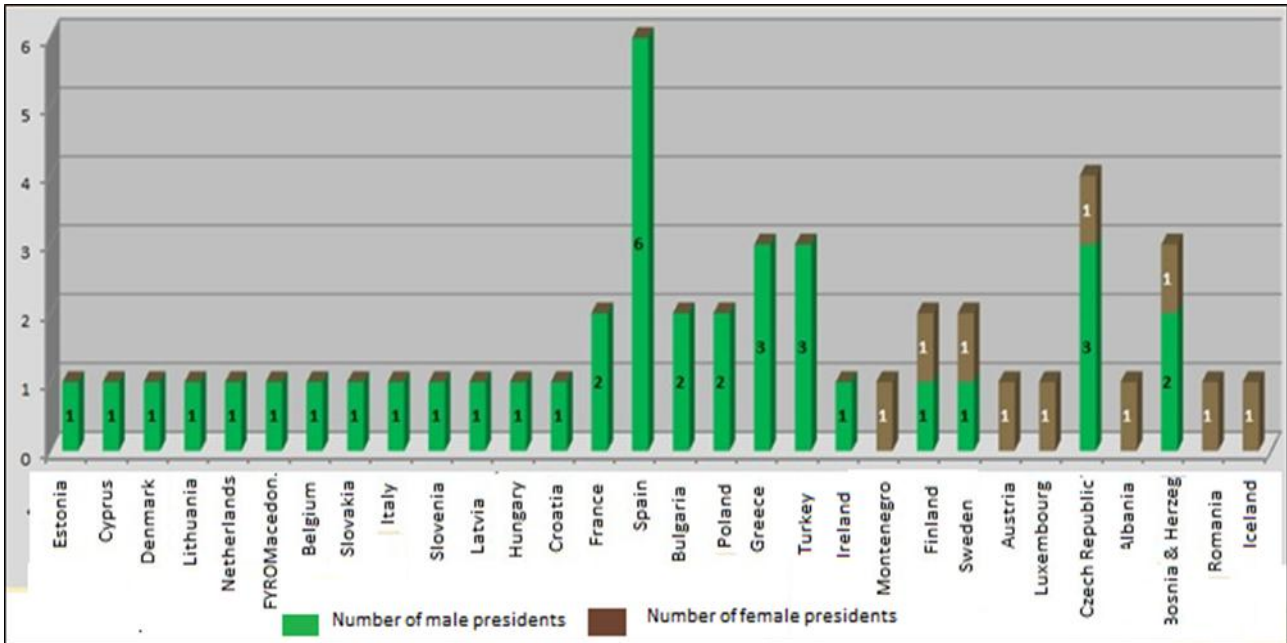
The data on access to posts of responsibility, as reflected by the gender distribution in posts of presidents of courts of first instance, show that women are only in the majority in such posts in five countries, namely Greece, Romania, Bulgaria, Latvia and Slovenia.

4.5.3. Distribution of men and women employed as presidents of courts of second instance

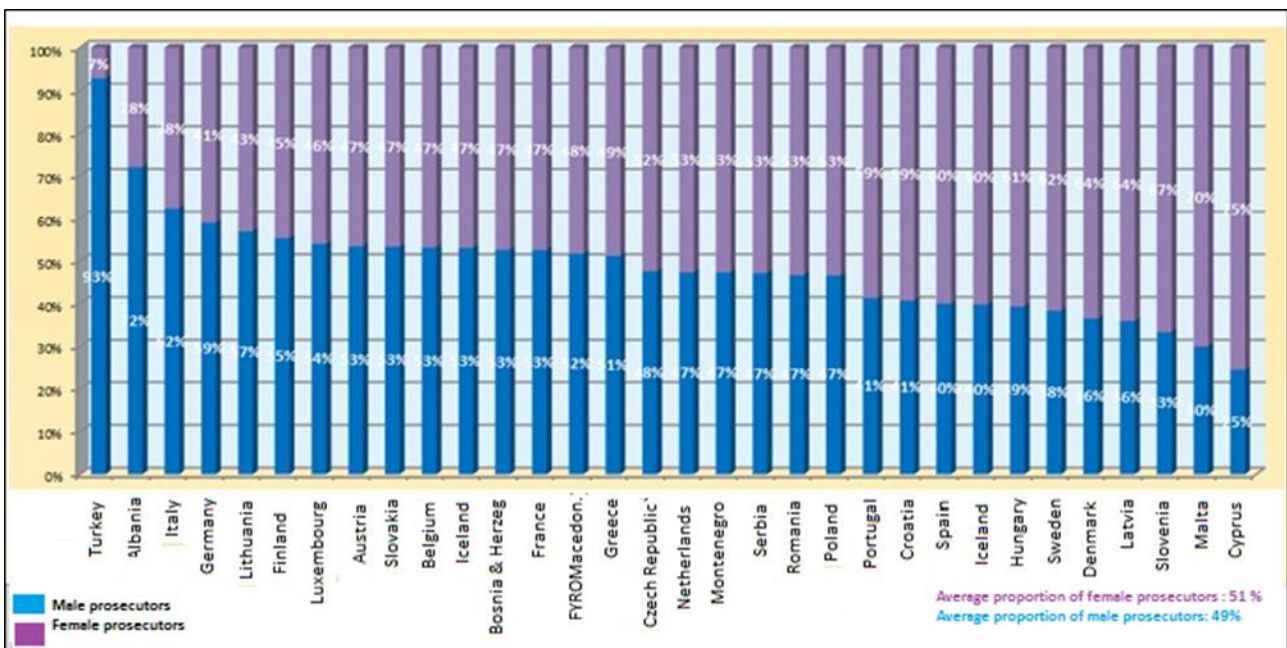


At the higher, appeal court level, women are only in the majority in posts of president in Latvia and Slovenia (and equal with men in Greece). In 2010, women presided alone in the Supreme Courts in Montenegro, Austria, Luxembourg, Albania, Romania and Iceland and in equal numbers to men in Sweden and in Finland. The “glass ceiling”, which impedes the hierarchical progression of women, also seems to exist among judges, although this is a profession in which women are increasingly represented.

4.5.4. Distribution of men and women employed as presidents of supreme courts



4.5.5. Distribution of women and men among public prosecutors



There are now more women than men (51%) serving as public prosecutors in the European Union. However, there are even greater disparities between countries for prosecutors than for judges, which are probably related to the major recruitment of women in most countries in recent years.

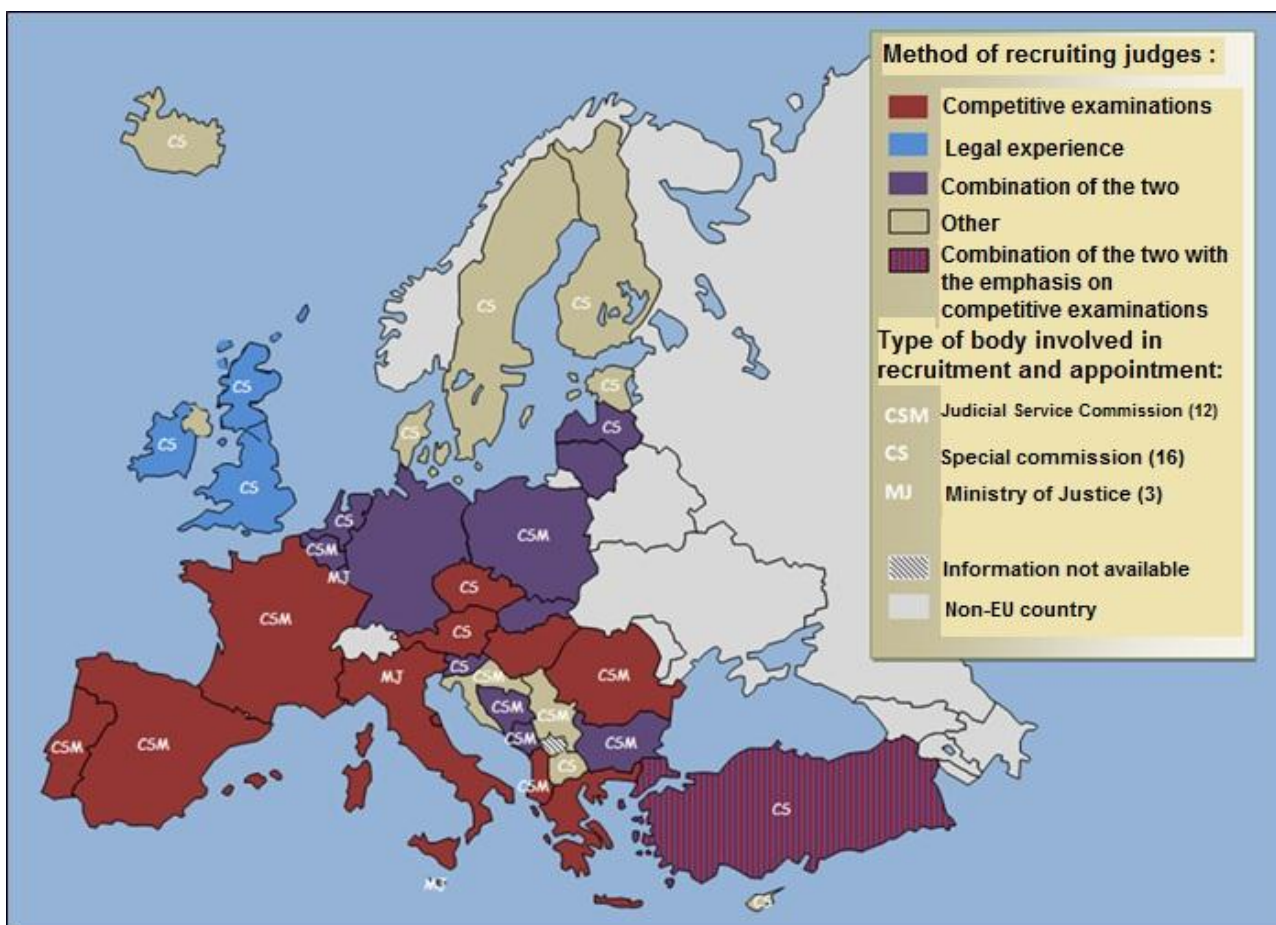
Whereas Italy, Albania and Turkey still have a large proportion of male prosecutors (from 62 to 93%), in 17 countries, over half the prosecutors are women and in Slovenia, Malta and Cyprus, over two-thirds. Here again, a large majority of countries (25) lie in the range between 65% of women prosecutors (Denmark, Sweden) and 41% (Germany).

However, the “glass ceiling” is even more obvious among prosecutors as there is no single European country in which the majority of heads of public prosecution services are women.

5. STATUS AND POWERS OF JUDGES AND PROSECUTORS

5.1. Guarantees of judges' independence

5.1.1. Methods of recruitment and appointment of judges



The main but not the sole means of recruiting judges is through competitive examinations. Only the United Kingdom, Ireland and Malta recruit judges exclusively from among highly experienced lawyers. In the Nordic countries, judges are appointed after a period as a trainee (Finland, Sweden) or as a temporary judge (Denmark).

Most commissions in charge of the recruitment of judges are mixed (comprising judges and non-judges). Only in Austria, Cyprus and Latvia is recruitment organised by a body made up exclusively of judges while only in Luxembourg, Slovenia and the Czech Republic is it organised by a body comprising no judges at all.

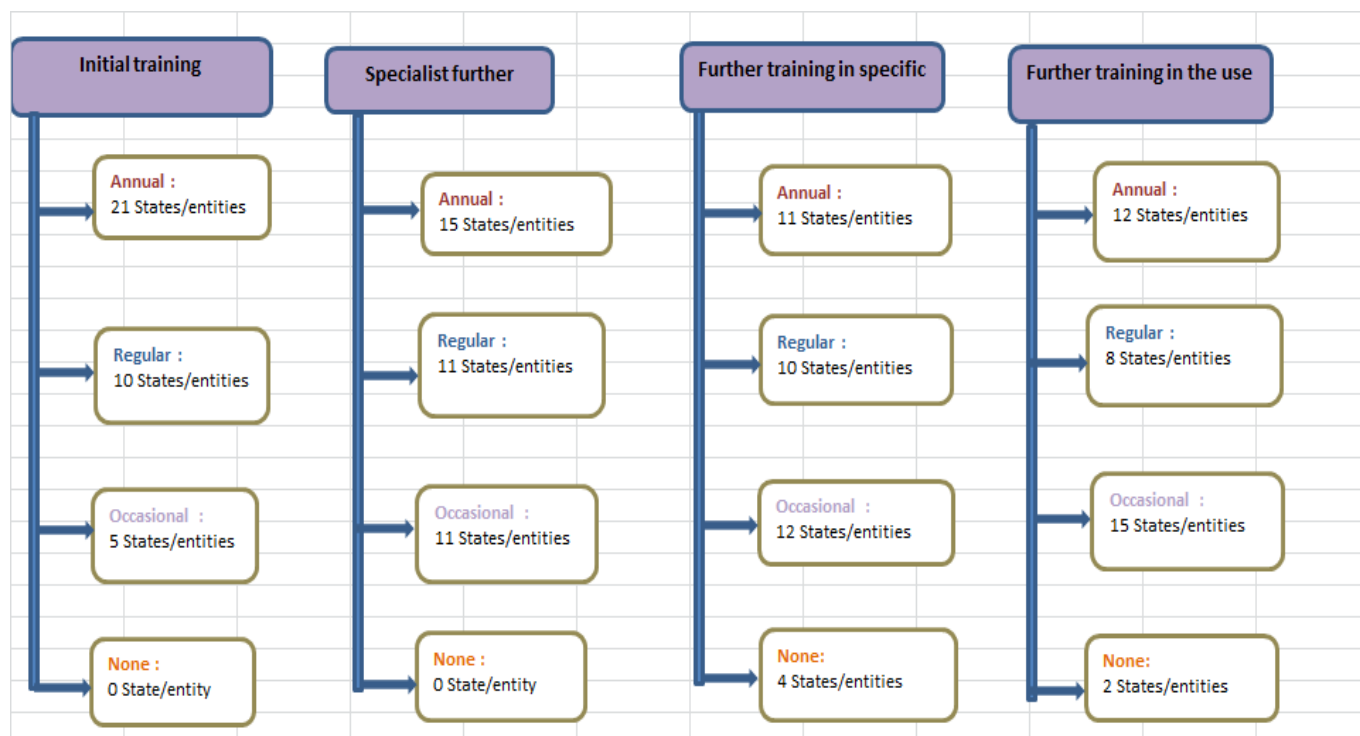
5.1.2. Training of judges

Types of compulsory training according to state

State/Entity	Initial training	General further training	Specialist further training	Further training in specific management tasks	Further training in the use of ICTs	Total number of types of compulsory training per country
Albania						1
Germany						1
Austria						1
Belgium						2
Bosnia & Herzegovina						1
Bulgaria						1
Croatia						3
Czech Republic						1
Denmark						1
Spain						3
Estonia						3
France						4
Greece						3
Hungary						1
Ireland						4
Italy						1
Latvia						3
Lithuania						1
Luxembourg						5
FYROMacedonia						5
Montenegro						1
Netherlands						3
Poland						2
Portugal						1
Romania						5
UK- England and Wales						4
UK- Northern Ireland						1
UK- Scotland						5
Serbia						4
Slovakia						1
Slovenia						2
Sweden						1
Turkey						1
TOTAL	30	15	15	9	6	Average : 3

The initial and further training of judges is a decisive factor in the quality of the work they do. Initial training is provided everywhere save in Bosnia and Herzegovina, Northern Ireland and Montenegro. General further training is not compulsory in half of the EU countries and specialist training in management and information technology is compulsory in only a minority of countries (9 and 7 respectively).

Nature and frequency of training for judges



5.2. Judges' and prosecutors' pay

Gross pay at start of career compared to the national gross average annual wage

Judges' wages and their ratio to the average wage are also an indication of their place in society. For judges at the start of their careers, this depends on the way in which they are recruited and the age at which they take up their duties. On this point common law countries cannot be compared with those that recruit law graduates through competitive examinations.

States/Entities	Gross annual wage of a professional judge at a court of first instance	Gross wage of a judge compared to the national gross average annual wage	Gross annual wage of a prosecutor at a court of first instance	Gross wage of a prosecutor compared to the national gross average annual wage
Albania	7 350 €	1,9	7 285 €	1,9
Germany	41 127 €	0,9	41 127 €	0,9
Austria	47 713 €	1,7	50 653 €	1,8
Belgium	62 367 €	1,6	62 367 €	1,6
Bosnia & Herzegovina	22 936 €	3,1	22 936 €	3,1
Bulgaria	10 230 €	3,2	10 230 €	3,2
Cyprus	71 020 €	3,0	32 942 €	14,0
Croatia	30 396 €	2,4	30 396 €	2,4
Denmark	104 098 €	2,1	50 540 €	1,0
FYROMacedonia	17 219 €	2,9	14 147 €	2,4
Spain	47 494 €	1,5	47 494 €	1,5
Estonia	31 992 €	3,4	15 108 €	1,6
Finland	57 250 €	1,6	45 048 €	1,6
France	40 660 €	1,2	40 660 €	1,2
Greece	32 704 €	1,3	32 704 €	1,3

States/Entities	Gross annual wage of a professional judge at a court of first instance	Gross wage of a judge compared to the national gross average annual wage	Gross annual wage of a prosecutor at a court of first instance	Gross wage of a prosecutor compared to the national gross average annual wage
Hungary	18 252 €	2,0	16 852 €	1,8
Ireland	147 961 €	4,1	NA	NA
Iceland	56 885 €	1,7	51 769 €	1,5
Italy	50 290 €	2,1	50 290 €	2,1
Latvia	13 798 €	1,8	13 524 €	1,8
Lithuania	18 072 €	2,6	12 529 €	1,8
Luxembourg	78 383 €	1,9	78 483 €	1,9
Malta	38 487 €	2,7	NA	NA
Montenegro	24 142 €	2,8	19 947 €	2,5
Netherlands	74 000 €	1,5	54 036 €	1,1
Poland	20 736 €	2,1	20 736 €	2,1
Portugal	35 699 €	17,0	35 699 €	1,7
Czech Republic	24 324 €	2,1	19 632 €	1,7
Romania	25 750 €	4,8	25 750 €	4,8
UK England and Wales	120 998 €	3,8	33 515 €	1,1
UK Scotland	150 106 €	5,2	35 154 €	1,2
Serbia	13 595 €	2,5	13 595 €	2,5
Slovakia	28 148 €	3,1	26 585 €	2,9
Slovenia	28 968 €	1,6	34 858 €	1,9
Sweden	52 587 €	1,4	52 290 €	1,4
Turkey	21 137 €	1,8	21 137 €	1,8
Average	46 302 €	2,4	32 942 €	1,9
Median	34 202 €	2,1	32 823 €	1,8

NB: Candidate countries in yellow, eurozone countries in grey

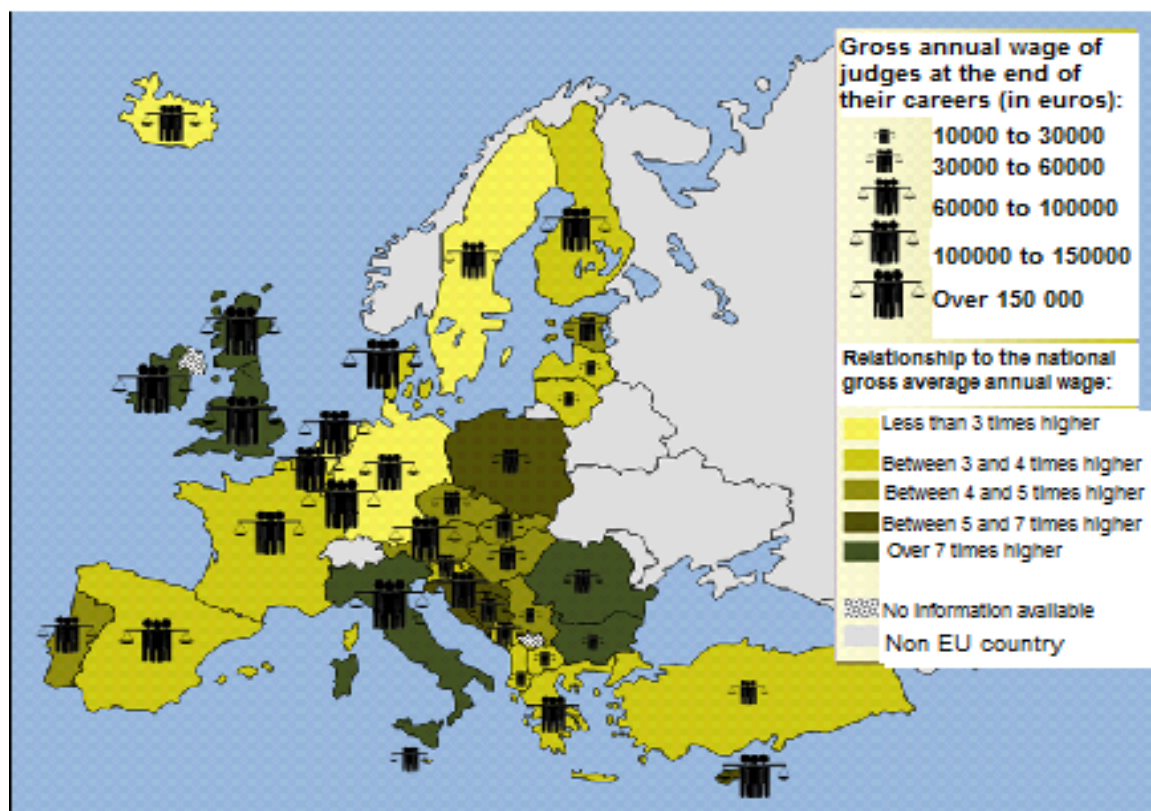
Gross pay at career end compared to the national gross average annual wage

By contrast, the ratio of a Supreme Court judge's gross wage to the national gross average annual wage is a useful indicator of the differences between countries, which is not influenced by factors such as recruitment methods, age, professional background, exchange rates or GDP. The common law countries and Romania, Italy and Bulgaria are the countries where the wages of judges at courts of last instance are proportionately highest compared to the national gross average annual wage (7 to 8 times higher). For prosecutors, this applies only to Italy and Bulgaria.

States/Entities	Gross annual wage of a judge at the Supreme Court or at a court of last instance	Gross wage of a judge compared to the national gross average wage	Gross annual wage of a prosecutor at the Supreme Court or at a court of last instance	Net annual wage of a judge at the Supreme Court or at a court of last instance	Gross wage of a prosecutor compared to the national gross average wage	Net annual wage of a prosecutor at the Supreme Court or at a court of last instance
Albania	14 700 €	3,9	12 463 €	14 571 €	3,9	12 191 €
Austria	115 647 €	4	69 561 €	115 647 €	4	69 561 €
Belgium	127 956 €	3,3	60 114 €	127 956 €	3,3	60 114 €
Bosnia & Herzegovina	38 108 €	5,1	25 646 €	38 108 €	5,1	25 646 €
Bulgaria	22 177 €	7	17 885 €	22 177 €	7	17 885 €
Croatia	65 592 €	5,2	29 016 €	65 592 €	5,2	29 016 €
Cyprus	126 237 €	5,4	92 475 €	32 942 €	1,4	20 540 €
Czech Republic	54 384 €	4,8		42 816 €	3,8	
Denmark	172 738 €	3,5		85 460 €	1,7	
Estonia	43 992 €	4,6	35 112 €	34 512 €	3,6	26 591 €
Finland	120 912 €	3,3	73 800 €	77 376 €	2,1	51 400 €
France	113 478 €	3,4	92 961 €	113 478 €	3,4	92 961 €
Germany	73 679 €	1,7		73 679 €	1,7	
Greece	87 240 €	3,6	54 600 €	87 240 €	3,6	54 600 €
Hungary	37 986 €	4,1	19 864 €	35 067 €	3,8	18 336 €
Iceland	70 008 €	2		70 469 €	2,1	
Ireland	257 872 €	7,1				
Italy	176 000 €	7,3	95 965 €	163 788 €	6,8	89 779 €
Latvia	26 650 €	3,5	17 965 €	17 388 €	2,3	11 760 €
Lithuania	24 444 €	3,5	18 576 €	22 333 €	3,2	16 975 €
Luxembourg	152 607 €	3,6		152 607 €	3,6	
Malta	38 487 €	2,7				
Montenegro	32 202 €	3,8	19 341 €	27 902 €	3,3	18 694 €
Netherlands	128 900 €	2,5	67 000 €			
Poland	57 650 €	5,9	41 061 €	44 454 €	4,6	33 675 €
Portugal	85 820 €	4,2		85 820 €	4,2	
Romania	43 865 €	8,2	30 768 €	36 230 €	6,8	25 412 €
Serbia	22 514 €	4,2	16 000 €	22 514 €	4,2	16 000 €
Slovakia	40 659 €	4,4		40 659 €	4,4	
Slovenia	57 909 €	3,2	30 823 €	54 765 €	3,1	29 367 €
Spain	111 932 €	3,6		111 932 €	3,6	
Sweden	91 600 €	2,4		69 318 €	1,8	
FYROMacedonia	21 221 €	3,6	14 080 €	17 179 €	2,9	11 579 €
Turkey	43 166 €	3,8	31 776 €	41 263 €	3,6	30 357 €
UK - England & Wales	243 190 €	7,7		116 325 €	3,7	
UK- Scotland	230 147 €	8				
Average	88 102 €	4,4	42 037 €	64 424 €	3,7	34 656 €
Median	67 800 €	3,8	30 823 €	49 610 €	3,6	26 119 €

NB: Candidate countries in yellow, eurozone countries in grey

Pay of judges at the end of their careers (at Supreme Courts and courts of last instance) compared to the average national wage

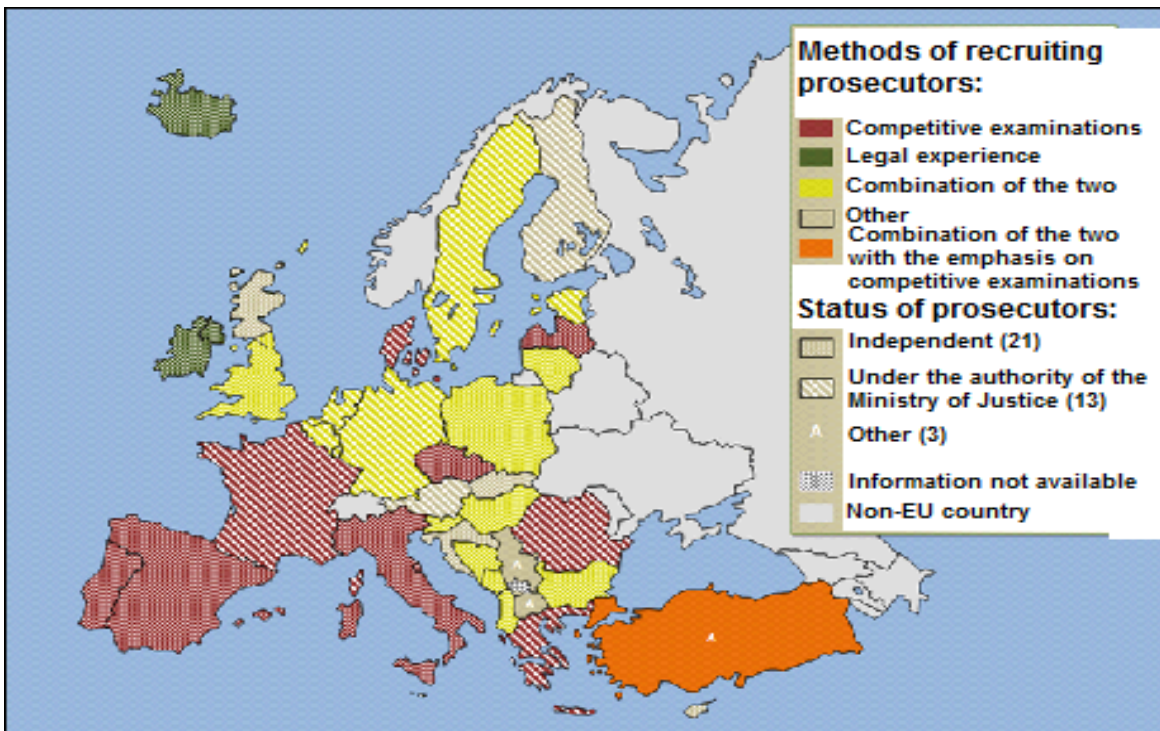


The smallest difference between judges' pay and the average wage can be found in Germany, Iceland, Sweden, the Netherlands and Malta (1.7 to 2.7 times). In a large majority of countries judges earn 3 to 5 times the average wage.

Judges' wages, like those of civil servants, have been cut in some countries as the result of structural adjustment programmes (Greece, Portugal, Spain).

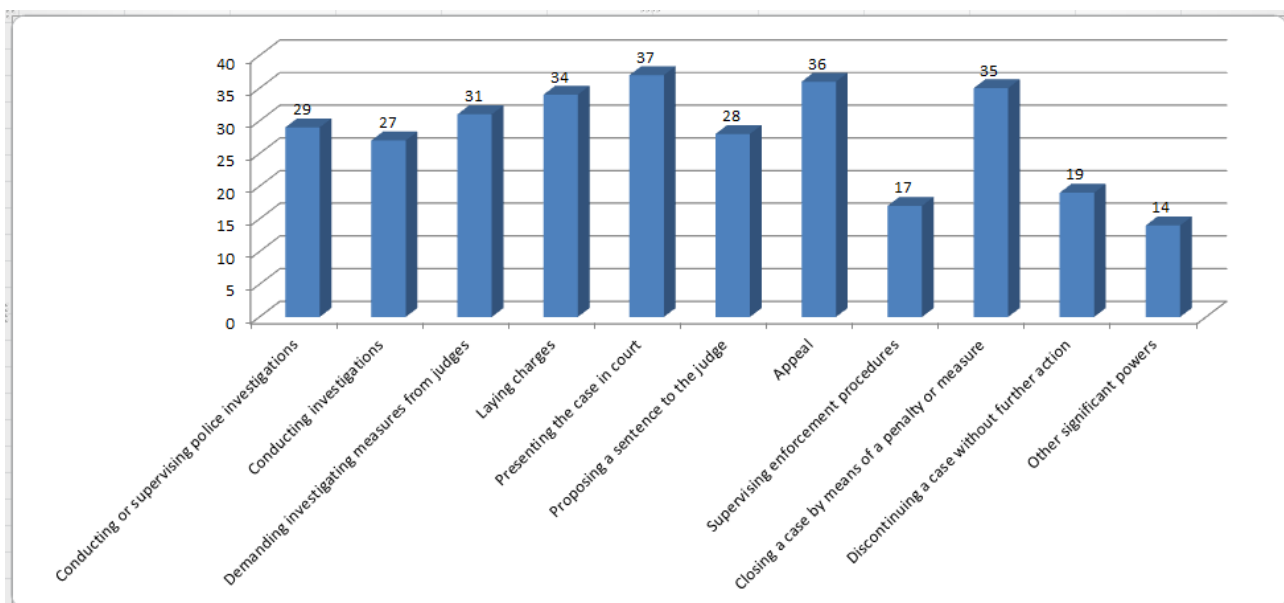
5.3. Independence and powers of prosecutors

Recruitment methods and independence of prosecutors



The status of prosecutors depends on their method of recruitment and appointment and their relationship with the executive. The method of recruitment through competitive examinations and/or on the basis of professional experience is generally similar to that of judges and supervised by mixed bodies made up of prosecutors and other qualified individuals. The information provided by countries as to whether prosecutors are independent (21) or work under the authority of the Ministry of Justice (13) makes it possible to identify an initial trend. This picture, as in other spheres, must be fleshed out by studies looking more thoroughly into a complex subject area, where traditions and actual practices (for example the principle that there should be no political interference in the processing of criminal cases) are sometimes more important than written rules.

Number of countries in which prosecutors exercise certain powers



In most states, prosecutors conduct or supervise police investigations, with the exception of countries with common law traditions and Finland.

In some countries prosecutors may have significant powers in areas other than criminal law such as protecting fundamental rights and the principle of legality in civil and administrative proceedings, particularly in the area of the civil law of the family and persons, bankruptcy, work accidents, protecting minors and vulnerable persons, and compensating victims.

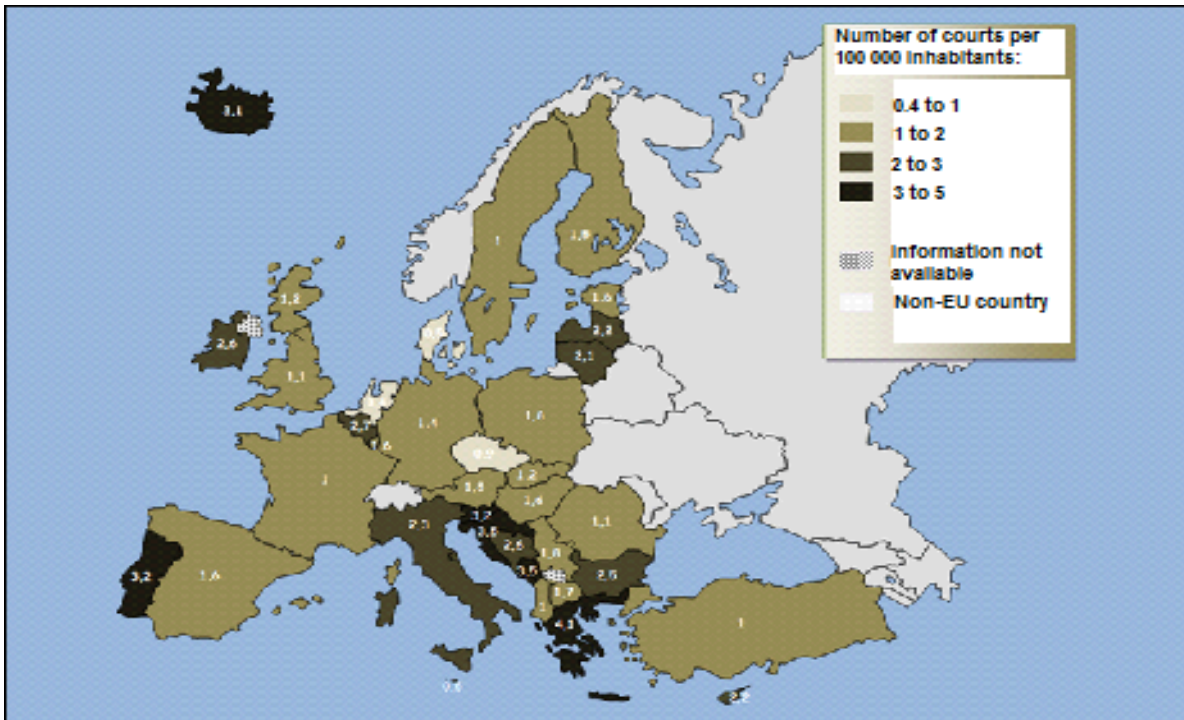
Prosecutors' powers vary considerably from country to country. In all states the main task of the prosecution service is to bring proceedings, lay charges in court and appeal (the system is different in the United Kingdom).

The role and powers of the prosecuting authorities in criminal proceedings

	Conducting or supervising police investigations	Conducting investigations	Demanding investigating measures from judges	Laying charges	Presenting the case in court	Proposing a sentence to the judge	Appeal	Supervising enforcement procedures	Closing a case by means of a penalty or measure	Discontinuing a case without further action	Other significant powers
Albania	No					No		No		No	No
Austria						No		No		No	No
Belgium	No							No			No
Bosnia Herzegovina								No			
Bulgaria								No		No	No
Croatia								No	No	No	No
Cyprus		No	No			No		No	No	No	No
Czech Republic								No	No	No	No
Denmark								No	No	No	No
Estonia								No	No	No	No
Finland	No							No		No	No
France											
Germany				No						No	No
Greece										No	No
Hungary											
Iceland		No						No			No
Ireland	No	No	No			No		No		No	No
Italy						No				No	No
Latvia											
Lithuania											
Luxembourg											
Malta	No	No						No		No	No
Montenegro								No		No	No
Netherlands								No		No	No
Poland								No		No	No
Portugal										No	No
Romania										No	No
Serbia		No	No					No		No	No
Slovakia								No		No	No
Slovenia	No							No		No	No
Spain									No	No	No
Sweden		No	No					No		No	No
FYROMacedonia		No				No		No		No	No
Turkey											
UK (England and Wales)	No	No	No			No		No		No	No
UK (Northern Ireland)	No	No	No			No		No		No	No
UK (Scotland)				No		No		No			

6. EFFICIENCY AND QUALITY OF JUDICIAL SYSTEMS

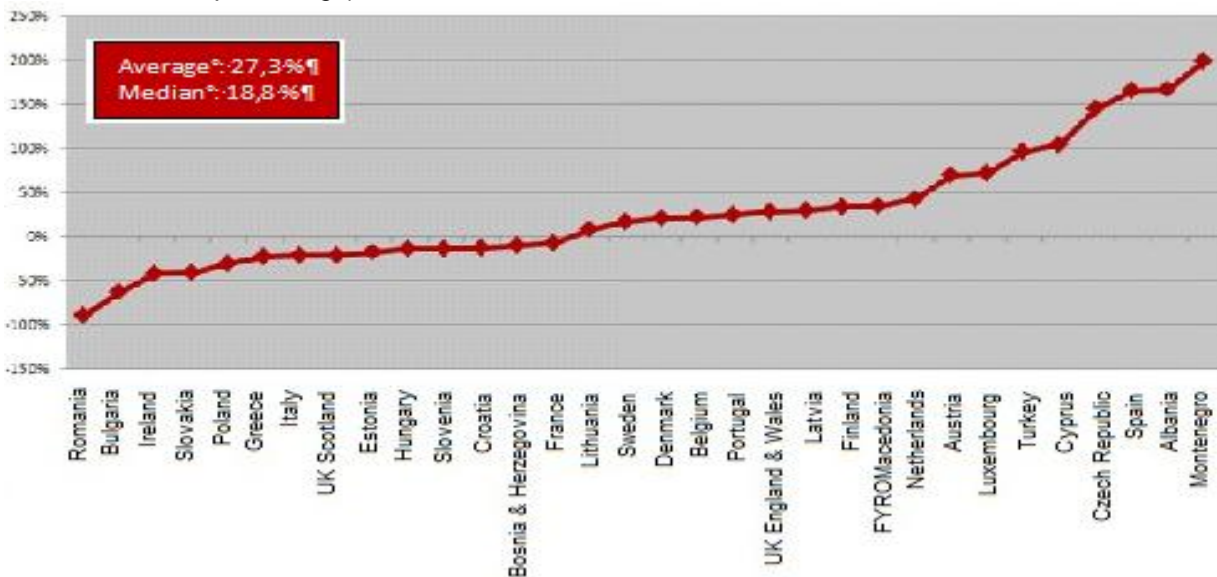
6.1. Number of courts per 100 000 inhabitants



In many European countries, planned or current reforms to the judicial map are tending to reduce the number of courts with the aim of cutting budgets or increasing efficiency by grouping courts together or making them more specialised. This applies to England and Wales, Belgium, Croatia, Denmark, Finland, France, Ireland, Italy, Lithuania, the Netherlands, Poland, Serbia, Slovakia and Sweden. Greece has set up new appeal courts but it has also merged its lower courts.

6.2. Computerisation of courts

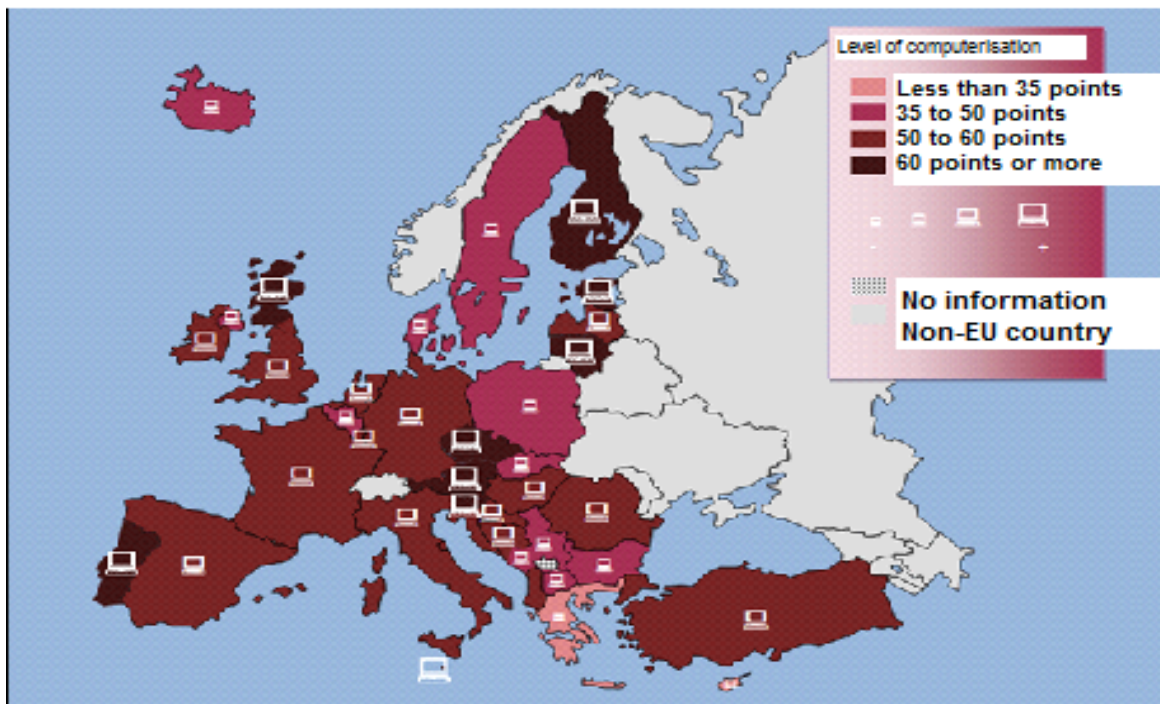
6.2.1. Trends in the annual state budget allocated to computerisation between 2008 and 2010 (as a percentage)



In the European Union, budgets allocated to computerisation of the courts increased substantially between 2008 and 2010 (27.3% on average). They doubled in Turkey and Cyprus and increased even more in the

Czech Republic, Spain, Albania and Montenegro. In 14 countries, investment under this heading decreased. However, these figures need to be placed in the context of variations in the exchange rate and the fact that some states have invested heavily already (Romania) to equip their courts satisfactorily in this field.

6.2.2. The level of computerisation in courts

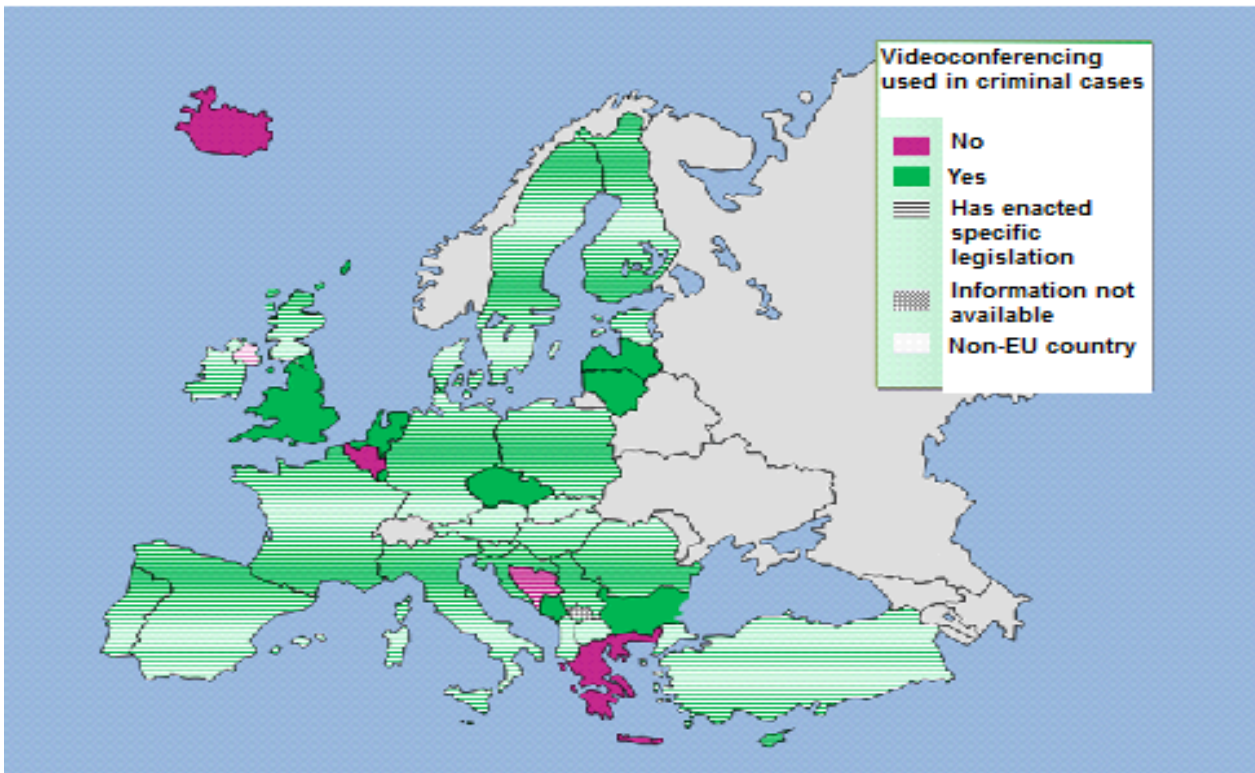


The growth of e-justice and e-courts is a major trend in the European Union. However, only a sustained effort in the areas of investment, maintenance and training make for significant gains in efficiency.

The level of computerisation given above reflects the installation of computer equipment for three distinct purposes: firstly, for the direct assistance of judges or other court staff (office automation software, e-mails, Internet connections, etc.), secondly, for case processing and management systems (registration, videoconferences, etc.) and, thirdly, for communication between the courts and the outside world (Internet sites, on-line applications, electronic case monitoring, etc.).

Everywhere there are growing numbers of computerised case registration and processing systems, databases, electronic case management processes, electronic signatures and systems for the electronic supervision of simplified procedures, particularly in the areas of traffic offences, payment orders, minor offences and small claims.

6.2.3. Use of videoconferencing in criminal cases



Videoconferencing is now used by most European countries in criminal cases to reduce the cost of transporting or transferring prisoners or to enable victims, witnesses or experts to be questioned in faraway or protected places. England and Wales have conducted experiments with videoconference hearings by the courts of suspects arrested by the police before they appear in court.

More and more frequently, children who have been subjected to or witnessed violence are heard in specially equipped rooms. However, not all countries have specific legislation on the subject. Among those that do not are Belgium, Iceland, England, the Czech Republic, Lithuania, Latvia, Montenegro and Bulgaria.

Use of videoconferencing is less widespread in civil and commercial proceedings.

6.3. Mediation

Alongside arbitration and conciliation, mediation plays a key role in the alternative dispute resolution arrangements advocated, implemented or officially approved by judicial systems.

There has been a particularly large increase in the European Union in the number of countries which use mediation and the number of mediators being trained and certified. The phenomenon is difficult to quantify when the mediation does not take a judicial form. Mediation is used successfully in family cases, commercial disputes and criminal proceedings. A large majority of member states award legal aid for people to make use of judicial mediation services which prevent the need for a trial.

6.3.1. *Judicial mediation in civil and commercial cases*

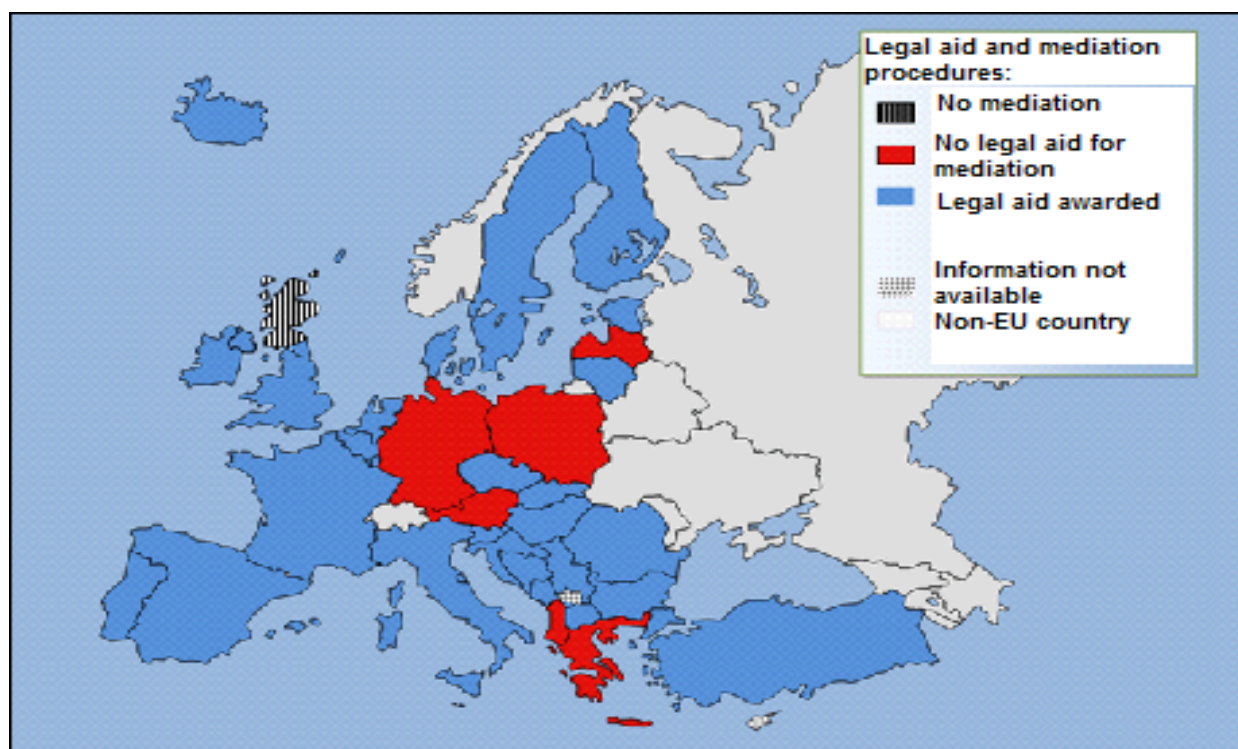
Court-annexed mediation [19 states/entities]	Private mediation [24 states/entities]	Public bodies [9 states]	Judges [10 states]	Public prosecutors [1 state]
Germany	Germany	Germany	Germany	Croatia
Belgium	Albania	Bosnia & Herzegovina	Albania	
Croatia	Belgium	Spain	Croatia	
Denmark	Bosnia & Herzegovina	Finland	Denmark	
Spain	Bulgaria	Hungary	Finland	
Finland	Croatia	Malta	Iceland	
Greece	FYROMacedonia	Montenegro	Italy	
Hungary	Estonia	Portugal	Lithuania	
Ireland	Finland	Serbia	Serbia	
Lithuania	France		Sweden	
Malta	Hungary			
Netherlands	Ireland			
Romania	Italy			
UK England and Wales	Lithuania			
UK Northern Ireland	Luxembourg			
Serbia	Netherlands			
Slovenia	Poland			
Sweden	Romania			
Turkey	UK England and Wales			
	UK Northern Ireland			
	Serbia			
	Slovakia			
	Slovenia			
	Sweden			

6.3.2. *Judicial mediation in family disputes*

Court-annexed mediation [17 states/entities]	Private mediation [23 states/entities]	Public bodies [13 states/entities]	Judges [10 states]	Public prosecutors [0 state]
Germany	Germany	Germany	Germany	Croatia
Belgium	Albania	Bosnia & Herzegovina	Albania	
Croatia	Belgium	Croatia	Croatia	
Denmark	Bosnia & Herzegovina	Denmark	Denmark	
Spain	Bulgaria	Spain	Finland	
Finland	FYROMacedonia	Finland	Iceland	
France	Estonia	Hungary	Italy	
Hungary	Finland	Ireland	Lithuania	
Lithuania	France	Lithuania	UK England & Wales	
Malta	Hungary	Montenegro	Serbia	
Netherlands	Ireland	Portugal	Sweden	
Romania	Lithuania	UK England & Wales		
UK England & Wales	Luxembourg	Serbia		
UK Northern Ireland	Malta			

Court-annexed mediation [17 states/entities]	Private mediation [23 states/entities]	Public bodies [13 states/entities]	Judges [10 states]	Public prosecutors [0 state]
Serbia	Netherlands			
Slovenia	Poland			
Sweden	Romania			
	UK England & Wales			
	UK Northern Ireland			
	Serbia			
	Slovakia			
	Slovenia			
	Sweden			

6.3.3. Legal aid for mediation procedures



6.4. Length of proceedings

The CEPEJ has set up two performance indicators which enable it to measure the efficiency of courts in processing cases.

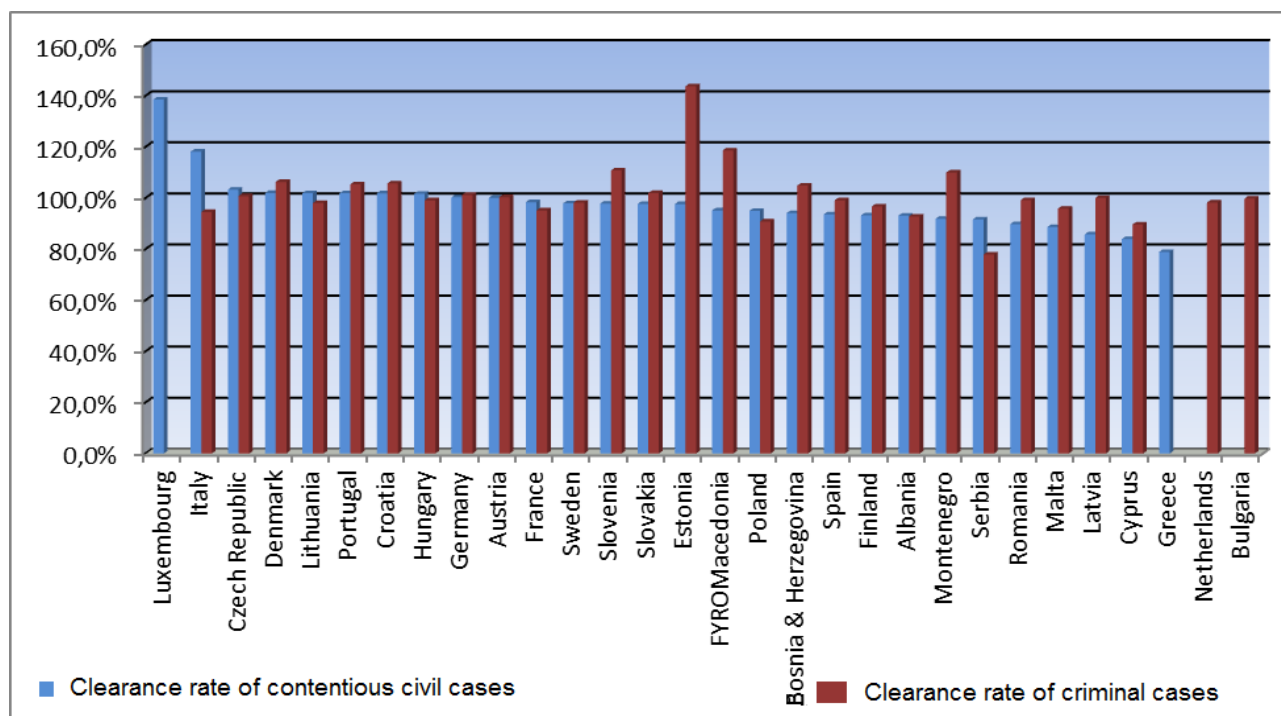
The clearance rate is obtained by dividing the number of cases decided in the year by the number of new cases submitted over the same period then multiplying the result by one hundred.

It highlights the potential for the judicial system to deal with the influx of new cases. A clearance rate approaching 100% means that the system is in a position to finish off about as many cases as it receives in the course of a year. A clearance rate of over 100% means that the balance is positive and that the initial backlog has been reduced.

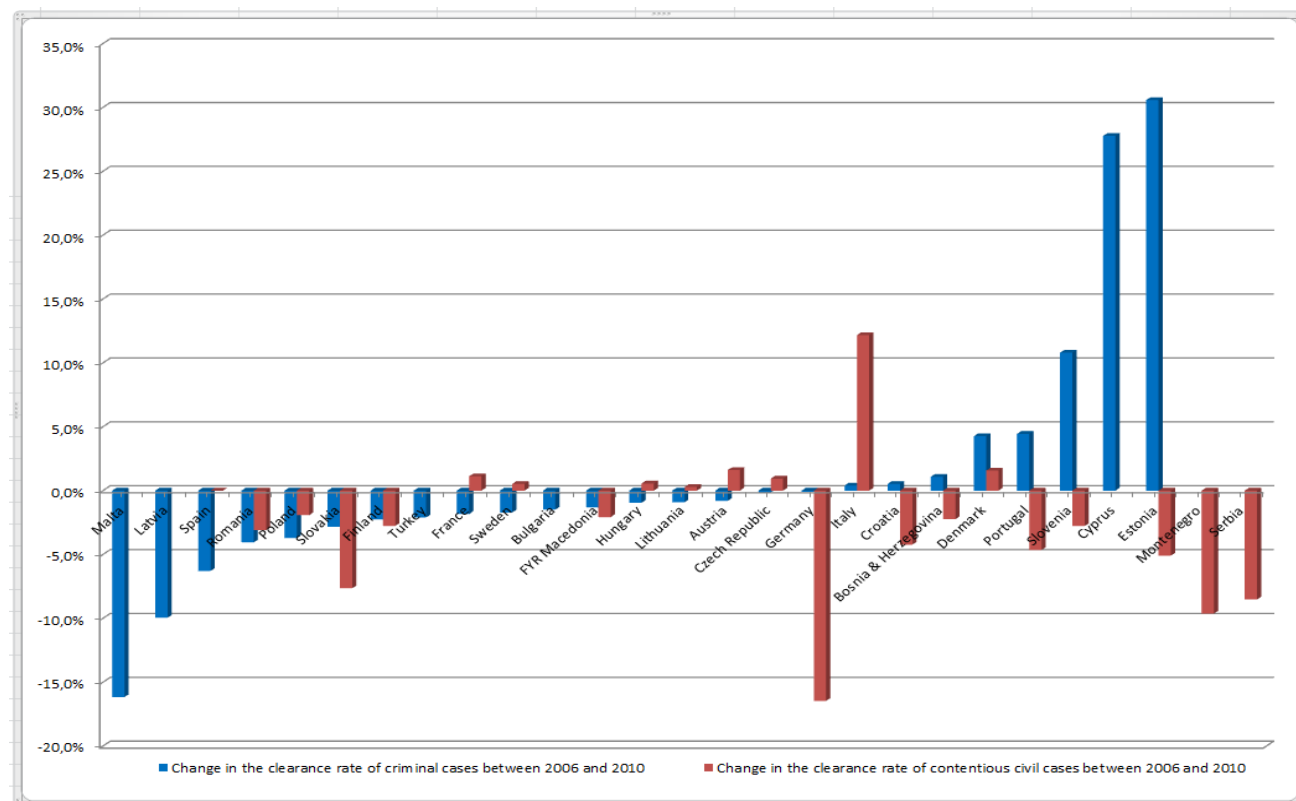
Disposition time is a projective indicator which makes it possible to assess the capacity of judicial systems to cope with the flow of incoming cases. This predictive ratio compares the number of cases

decided in the year to the number of pending cases and measures the estimated number of days needed for a pending case to be finished off.

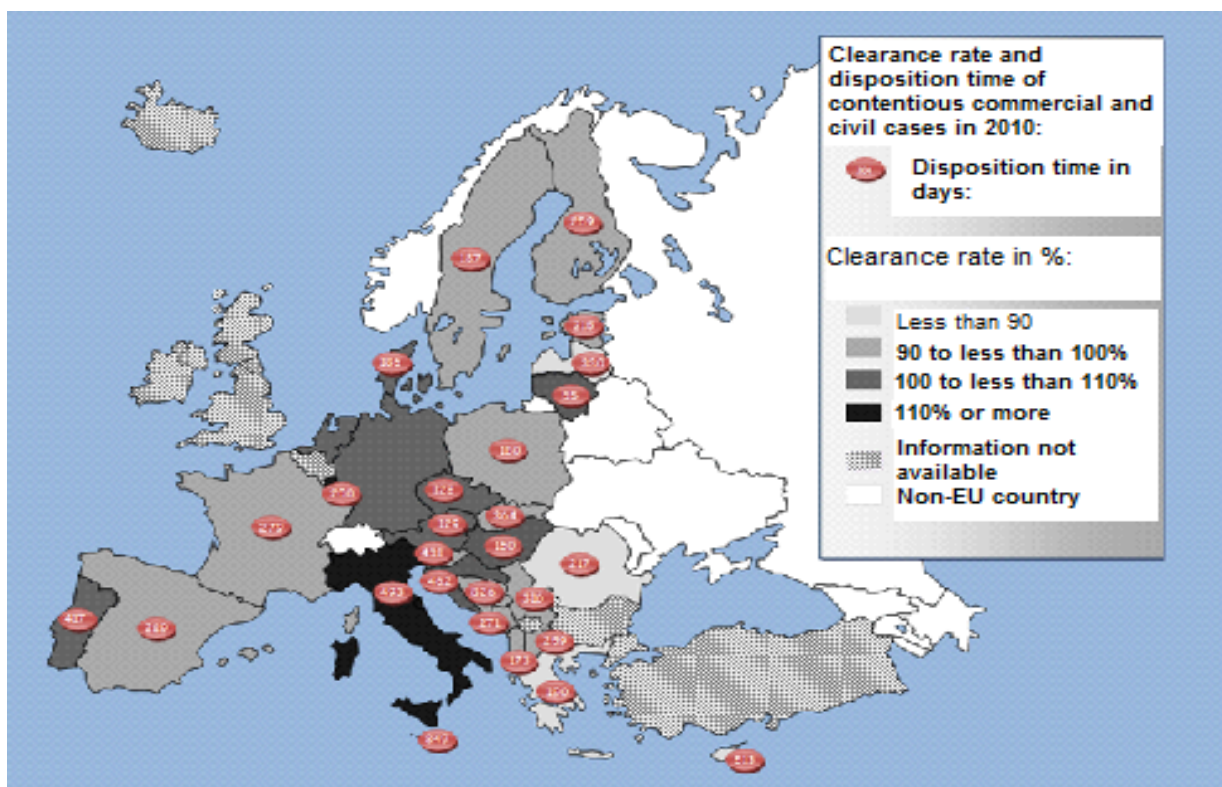
6.4.1. Clearance rate of pending criminal and contentious civil cases in the EU member states and candidate countries



6.4.2. Changes in the clearance rate of criminal and contentious civil cases



6.4.3. Clearance rate and disposition time for contentious commercial and civil cases



An analysis of the raw data shows that, for contentious civil and commercial cases in courts of first instance, the EU members states just about coped with the flow of incoming cases in 2010.

Nine states have a clearance rate of over 100%, meaning that they were able to settle more cases than the number of new cases for the year. They are the Czech Republic, Austria, Denmark, Lithuania, Portugal, Croatia, Hungary and Germany, to which Luxembourg and Italy can be added because they had unusual results in 2010. This clear variation can be accounted for, in particular for Italy, by the fact that it established a tax on incoming cases, which reduced the number.

Five states appeared to be having problems in this sphere, reflected by a clearance rate of under 90%, namely Romania (89.8%), Malta (88.7%), Latvia (85.8%), Cyprus (84%) and Greece (78.9%).

Disposition time figures over the same period show that, structurally, some judicial systems have a very large backlog even though they attempted to reduce it in 2010, such as Italy (493 days) or Portugal.

The countries with the greatest problem are Slovenia (417 days), Croatia (462 days) and Cyprus (493 days) but, above all, Malta (849 days) and Bosnia and Herzegovina (826 days). Those that can easily deal with their backlog of civil cases in a reasonable time are Denmark (185 days), Germany (184 days), Poland (180 days), Hungary (160 days), Norway (158 days), Austria (129 days) and the Czech Republic (128 days).

Of the 10 states with the highest disposition times (over 300 days), only three (Italy, Portugal and Croatia) have a clearance rate higher than or equal to 100%, meaning that their situations improved, albeit only slightly, in 2010.

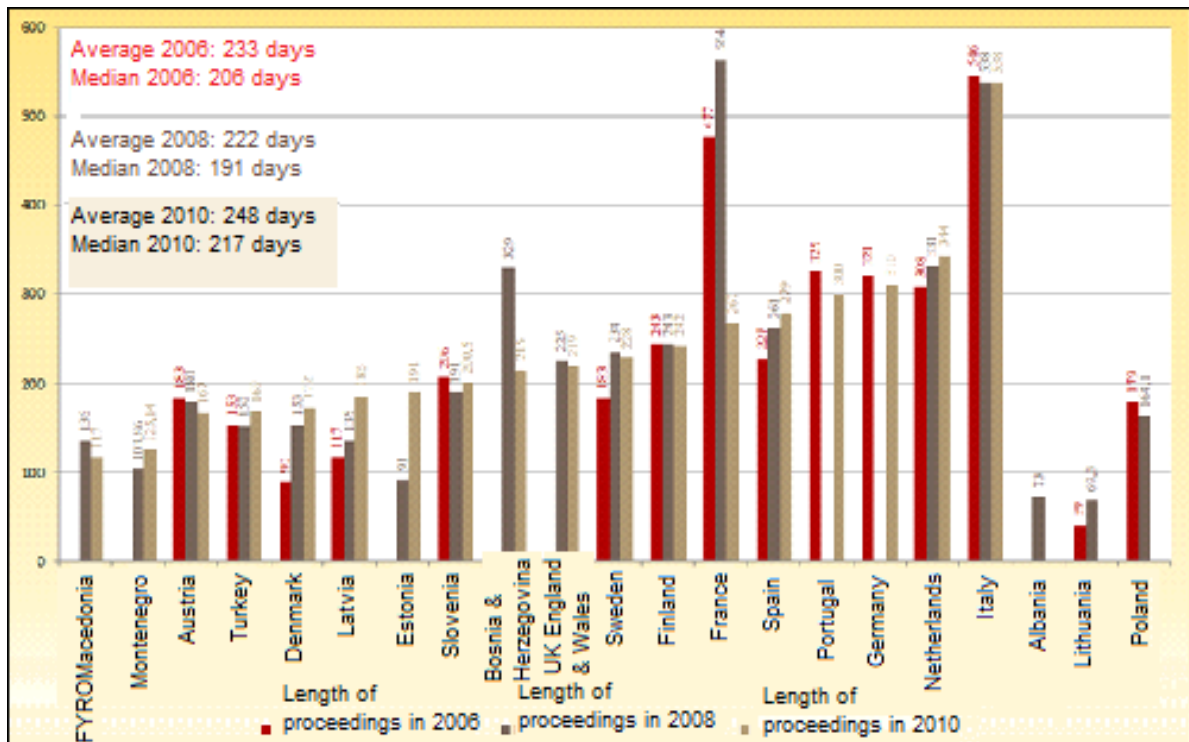
Seven other states (Serbia, Latvia, Slovakia, Slovenia, Cyprus, Bosnia and Herzegovina, and Malta) fail to reach a clearance rate of 100% for contentious civil cases, meaning that the backlog of unsettled cases in these judicial systems is ever larger and their disposition time, and hence their structural situation, is deteriorating.

If these figures are combined with the clearance rate in first instance criminal cases, it is clear that in 2010, some countries' activity indicators were positive right across the board (with clearance rates close to 100 in

civil and criminal cases and disposition times in civil cases equal to or lower than 200 days) and this reflects a highly satisfactory situation in terms of case processing. The best results were in Austria and the Czech Republic. The figures were also good for Sweden, Germany, Hungary and Denmark.

It would seem that citizens are more litigious in the southern European countries, which also have the highest number of lawyers per inhabitant and the least efficient case management systems.

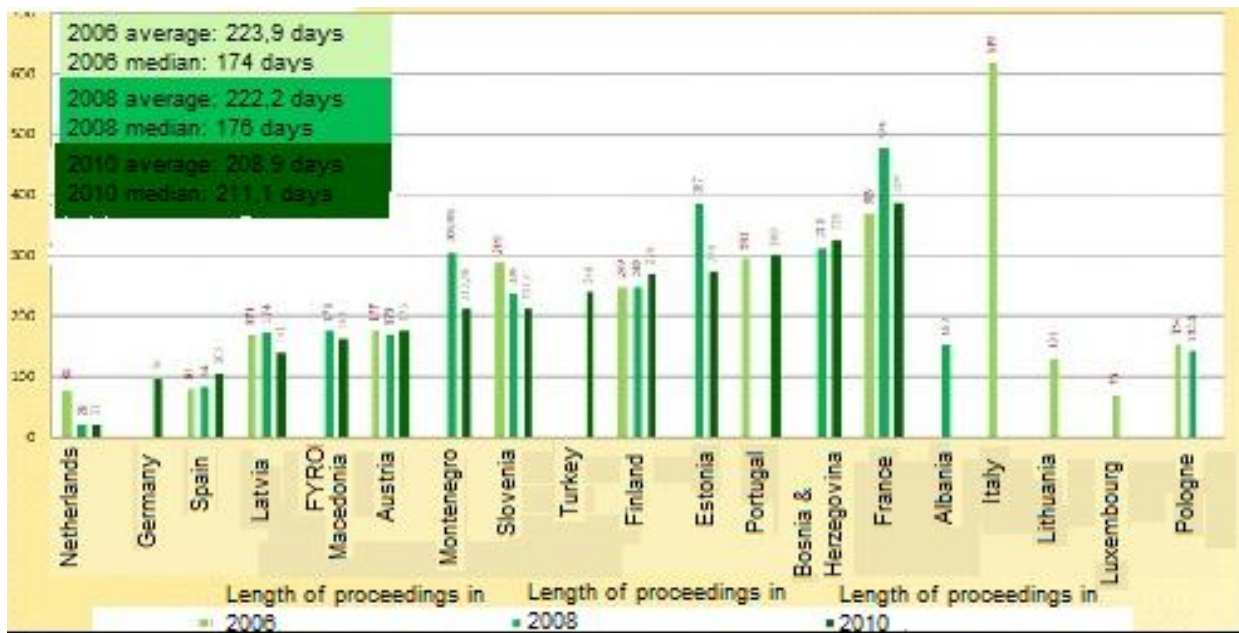
6.4.4. Average length of contentious divorce proceedings in first instance courts in 2006, 2008 and 2010 (in days)



The length of contentious divorce proceedings in first instance courts in European countries which were able to provide us with these statistics varies according to specific national procedural features. For instance in France and the Netherlands, measures to facilitate divorce through mutual consent meant that in 2008 only the most difficult cases were decided by contentious proceedings, accounting in part for the length of such cases. However, a reduction in the number of new cases in France made it possible to reduce lengths of proceedings in 2010, as in Italy and in Sweden.

For countries which have not amended their legislation, it is useful to see how average times have evolved over three cycles (2006, 2008 and 2010). For instance, in Finland these times have remained stable, while in Spain they have risen (although the number of new cases has decreased) and in Austria they have decreased, and these examples provide material for more general interpretations in this publicly sensitive area.

6.4.5. Average length of dismissal proceedings in first instance courts in 2006, 2008 and 2010 (in days)



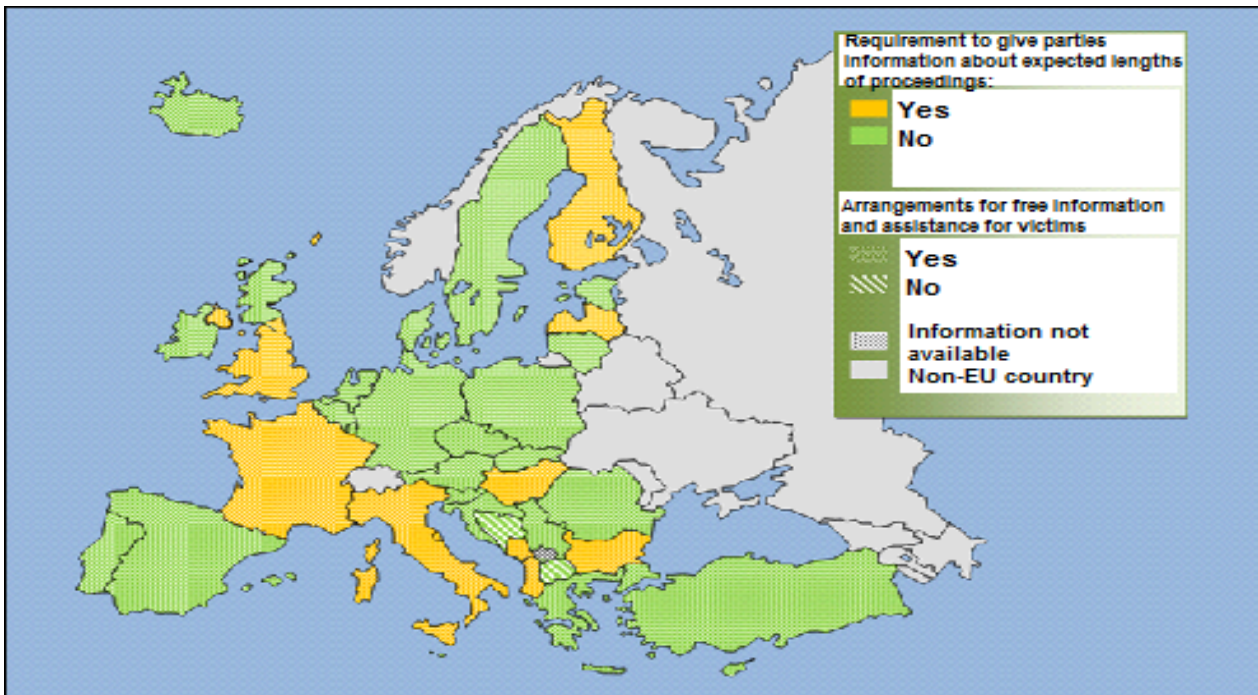
Dismissal proceedings are also an area where delays are very long for people who have lost their job. Few European countries were able to provide full data for the three years.

The available data seem to confirm the major disparities between countries with lengthy proceedings (Italy, France) and those where, in this case and more generally speaking, cases take less time to process (Finland, Austria). Processing times can depend both on the functioning of courts and on the procedural framework that applies in each national system. The very short times in Spain are a good illustration of these differences.

Nonetheless, there are still too few European states which are capable of providing data on rates of appeal and the length of pending cases (whether or not they have lasted three years or more), which, when divided up according to case category, are good indicators, complementing the data on clearance rate and disposition time.

6.5. Users and the judicial system

6.5.1. Information for users and lengths of proceedings

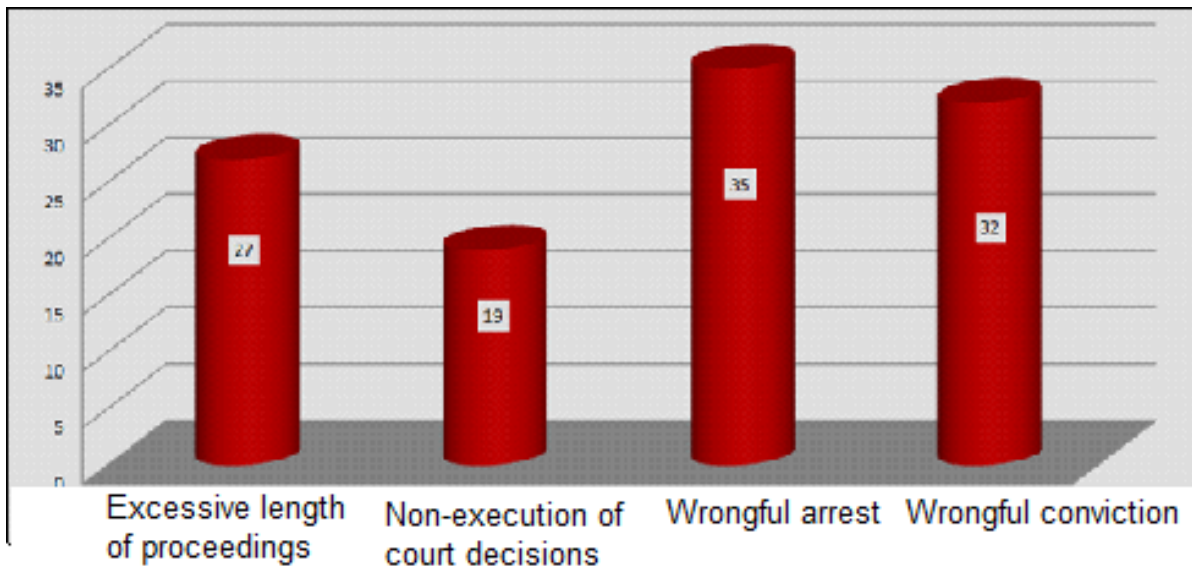


Members of the public or legal professionals must have free and simple access on public websites to any legal information they may need, to procedures to assert their rights and to information on the activities of courts. However, only some countries have set up specific provisions to inform the public about the predicted lengths of judicial proceedings. Often, such information is only available for particular types of criminal proceedings (activities of investigating judges in France, criminal cases in Hungary). In some countries reforms are being introduced which make provision for this in civil cases (Romania, Serbia). Other systems provide such information but are not legally obliged to do so (Scotland).

Specific victim advice and information services seem to be being set up in all European countries. Norway, for instance, has set up a highly developed system to deal with cases of sexual violence. Vulnerable people, rape victims and minors are the categories which are most protected by special arrangements for advice, information and the organisation of hearings. Practically all EU member states now all have procedures for the compensation of victims.

6.5.2. Compensation for victims of offences

Number of states/entities (out of 35) in which users can claim compensation, by type of situation

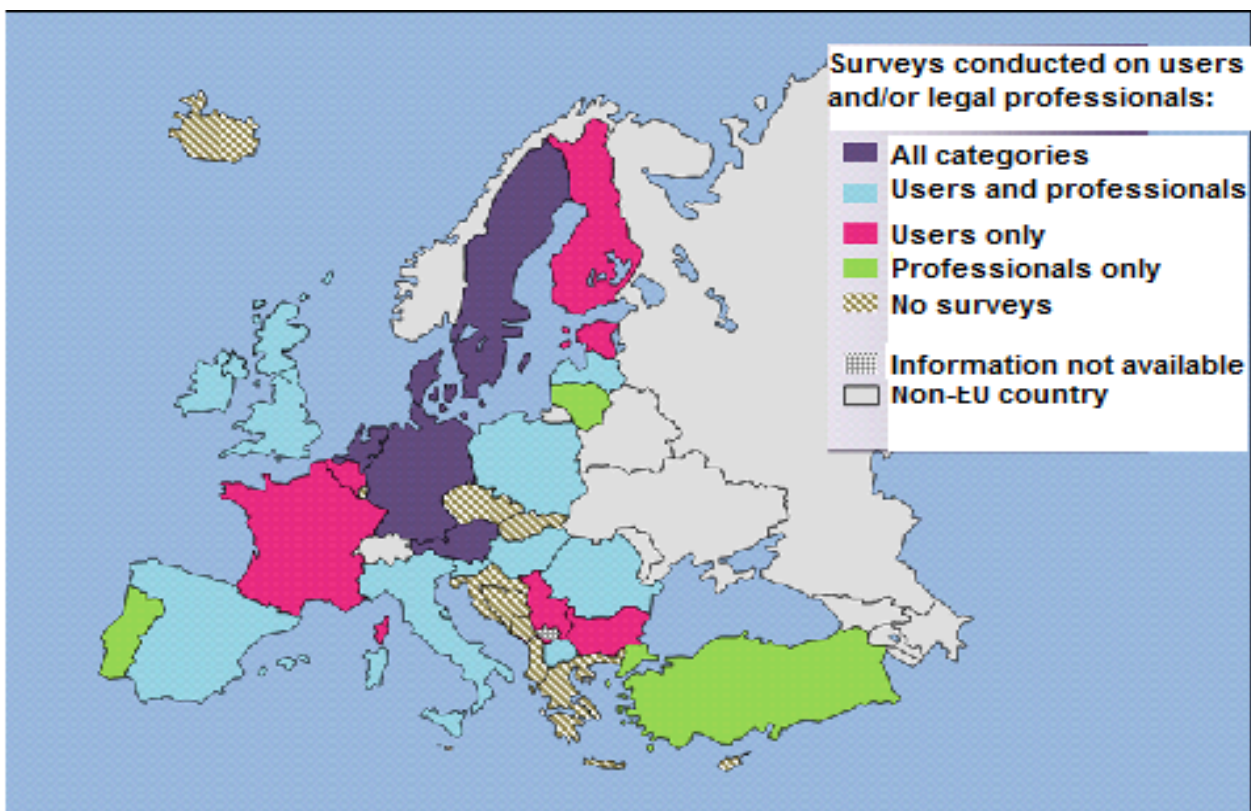


In response to miscarriages of justice, the EU member states have set up compensation procedures. While all provide for compensation for wrongful arrest or conviction, the same does not yet apply to excessive length of proceedings under Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or non-execution of judicial decisions.

6.5.3. Satisfaction surveys

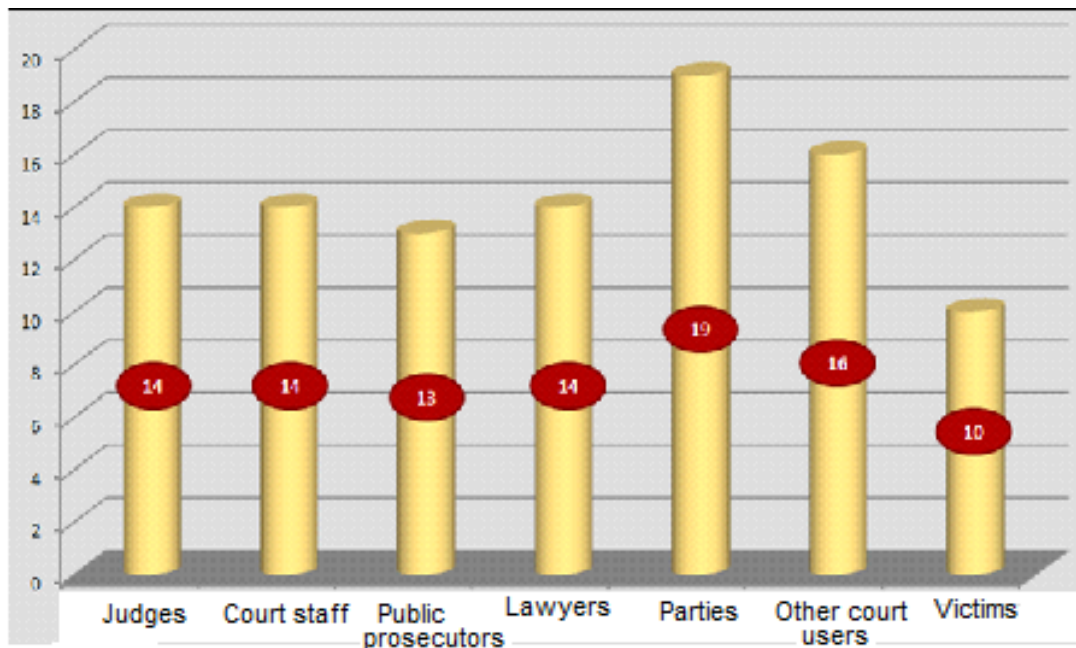
Surveys of court users have become one of the main means of assessing the quality of the way that the justice system operates in a growing number of EU states and candidate countries. They make it possible, in particular, to adopt a view of the judicial system which is centred more on the user and provide a key means of implementing a high-quality policy in courts.

The European Union and satisfaction surveys



Some member states already conduct such surveys, either occasionally or on a more regular basis. Only some states are really committed to a comprehensive programme to improve the quality of the judicial system (the Netherlands, Finland). While most member states say that they conduct satisfaction surveys covering both citizens and legal professionals (26 states out of 35), only some do so regularly and monitor the measures taken to improve the quality in response to survey findings⁴.

Number of states/entities in which satisfaction surveys are conducted on groups of professionals or users



Frequency and level of satisfaction surveys

Regular surveys				Occasional surveys			
National level	and court	National level	Court level	National level	and court	National level	Court level
Austria		Belgium		Austria		Albania	Belgium
Spain		Bulgaria		Finland		Denmark	Italy
France		Estonia		France		Spain	Uk - Scotland
Netherlands		Ireland		Poland		Estonia	Serbia
UK - England & Wales		Lithuania		Portugal		Hungary	Slovenia
		UK - Norther Ireland		Sweden		Latvia	
		UK - Scotland				Turkey	
		Slovenia					
		Turkey					

With this goal in mind, the CEPEJ's working group on quality (GT-QUAL) has discussed means and methods which would enable member states to be assisted in introducing measures to improve the quality of justice systems, focusing on users' needs. A methodological guide or "handbook" and a model questionnaire which users can tailor to their needs have been drawn up for the courts of the Council of Europe member states⁵. This methodological tool draws on CEPEJ resources, capitalising on experiments already carried out and

⁴ J.-P. Jean, H. Jorry, Report on conducting satisfaction surveys of court users in Council of Europe member states, CEPEJ Studies, No. 15, 2010.

⁵ Handbook for conducting satisfaction surveys aimed at Court users in Council of Europe's member States, CEPEJ Studies No. 15, 2010

good practices observed in member states to develop means of improving the quality of justice systems throughout Europe.