

1. Evaluation of the judicial systems (2016-2018 cycle)



The former Yugoslav Republic of Macedonia

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Reference data 2016 (01/01/2016 - 31/12/2016)

Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017

Objective :

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

Instruction :

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

1.General information

1.1.Demographic and economic data

1.1.1.Inhabitants and economic general information



001. Number of inhabitants (if possible on 1 January of the reference year +1)

[2073702]

Comments

002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	1576325203 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

003. Per capita GDP (in €) in current prices for the reference year

[4691]

Comments

004. Average gross annual salary (in €) for the reference year

[6404]

NA

Comments

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

[61.5]

Allow decimals : 5

NAP

Comments 1 Euro = 61,5 Denars

A1. Please indicate the sources for answering questions 1 to 5

Sources: State Statistical Office of the Republic of Macedonia

1.1.2. Budgetary data concerning judicial system



006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

Approved budget (in €)	Implemented budget (in €)
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TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)	29899055 [] NA [] NAP	29617518 [] NA [] NAP
1. Annual public budget allocated to (gross) salaries	24643000 [] NA [] NAP	24400000 [] NA [] NAP
2. Annual public budget allocated to computerisation (equipment, investments, maintenance)	290667 [] NA [] NAP	271500 [] NA [] NAP
3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.	475000 [] NA [] NAP	475000 [] NA [] NAP
4. Annual public budget allocated to court buildings (maintenance, operating costs)	2151550 [] NA [] NAP	2130453 [] NA [] NAP
5. Annual public budget allocated to investments in new (court) buildings	0 [] NA [] NAP	0 [] NA [] NAP
6. Annual public budget allocated to training	[] NA [X] NAP	[] NA [X] NAP
7. Other (please specify)	2338838 [] NA [] NAP	2340565 [] NA [] NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The court budget includes: budgets of all courts and budget of the Judicial Council. The budget allocated for computerisation is lower than last cycle because some of the financial sources were provided through international projects that are not part in the court budget. There is a significant decrease in budgetline for justice expenses due to changes in procedural laws. According to the new concept, the criminal investigation it is conducted by public prosecutor and not by investigative judge as before and therefore expert witnesses are not paid by the court budget. In civil cases the expert witnesses are paid by the litigants. Also this cycle it was possible to exclude legal aid costs. The category "other" increased this cycle because it was possible to categorise some of the expenses in other budget lines.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to all courts and the public prosecution services together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts and legal aid together	[] NA [X] NAP	[] NA [X] NAP
Total annual public budget allocated to all courts, public prosecution services and legal aid together	[] NA [X] NAP	[] NA [X] NAP

Comments:

008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
for criminal cases	() Yes (X) No
for other than criminal cases	(X) Yes () No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?
According to the Law on Civil procedure, court will not proceed or undertake any procedural action if litigants have not paid court tax in advance.

008-1. Please briefly present the methodology of calculation of court taxes or fees:

- Court fees are calculated according to the provisions of the Law on court fees. They are calculated according to the values of the case.

008-2. The amount of court fees to commence an action for 3000€ debt recovery:

[60]
[] NA
[] NAP

Comments

009. Annual income of court taxes or fees received by the State (in €)

[10226793]
[] NA
[] NAP

Comments

012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)	282880 [] NA [] NAP	228255 [] NA [] NAP	54625 [] NA [] NAP
12.1 for cases brought to court	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The funds spent are related to the number of cases in which legal aid was granted in previous years but payment was made in

2016. Due to delay in payment difference between approved and implemented legal aid appears. Both funds paid by the courts as well as by the Ministry of justice are included. The increase is only an evolution of budget of legal aid.

012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)	247592 <input type="checkbox"/> NA <input type="checkbox"/> NAP	228255 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19337 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.1 for cases brought to court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	19069 <input type="checkbox"/> NA <input type="checkbox"/> NAP
12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	268 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The funds spent are related to the number of cases in which legal aid was granted in previous years but payment was made in 2016. Due to delay in payment difference between approved and implemented legal aid appears. Both funds paid by the courts as well as by the Ministry of justice are included. The increase is only an evolution of budget of legal aid.

013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
Total annual public budget allocated to the public prosecution services, in €	11753367 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9108201 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: Presented budget is for all public prosecution offices in the Republic of Macedonia including the The Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Illegally Intercepted Communication, known as the Special Prosecutor's Office, that was established with the Law on the Public Prosecutor's Office for Prosecuting Criminal Offence Related to and Arising from the Content of the Illegally Intercepted Communication, adopted by the Assembly of the Republic of Macedonia on the 15th of September 2015.

Budget of Special Public prosecution office if following: approved budget-4.124.912; implemented budget-9.108.201 Euro.

014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other ministry	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Parliament	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Supreme Court	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
High Judicial Council	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Courts	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Inspection body	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: The Court Budget Council is responsible body for preparation, management, allocation of the budget among the courts and evaluation of the use of the budget. The Court Budget presents the annual estimate of the revenues and expenditures of the judicial branch and the Academy for Training of Judges and Public Prosecutors, determined by the Assembly of the Republic of Macedonia and intended for the financing of the judicial branch and the Academy for Training of Judges and Public Prosecutors.

The Court Budget is a part of the Budget of the Republic of Macedonia as a separate part designated as "Judicial Power."

President of the The Court Budget Council is president of the Court Council of the Republic of Macedonia.

Members of the Court Budget Council are President of the Supreme Court, Minister of Justice, presidents of four appellate courts, presidents of 2 basic courts on system of rotation, President of the Administrative Court and Director of Academy for training of judges and public prosecutors.

With the Court Budget Council presides President of the Judicial Council.

The Law on the Court Budget define procedure for the drafting, adoption, and enforcement of the Court Budget and the setting up of the Court Budget Council.

By means of the Court Budget the judicial branch of power in the Republic of Macedonia and the Academy for Judges and Public Prosecutors, is financed.

The Court Budget Council has duties as follows:

- set the criteria and methodology for the drawing up of the Court Budget,
- determines the allocation of the funds from the Court Budget to all the courts and to the Academy for Judges and Public Prosecutors and undertakes duly enforcement of the Court Budget,
- approves the funds for new employments in courts and in the Academy for Judges and Public Prosecutors within the framework of the fixed court budget of the mass designated for the pay of salaries,
- appoints the internal auditor,
- enacts the Rules of Order and other internal acts.

The expenditures of the Court Budget comprise the following:

1. Daily expenditures for,

- salaries and compensation for judges,
- salaries and compensation for the state employees, court police and other employees at the courts,
- merchandise and services for court's operations,
- expenditures incurred in proceedings,
- payment of other expenditures incurred in daily operations of courts,
- professional training of judges, state employees, court police and other employees at courts,
- salaries and compensation for the employees in the Academy for Judges and Public Prosecutors,
- merchandise and services for operations of the Academy for Training of Judges and Public Prosecutors,

- payment of other expenditures incurred in daily operations of the Academy for Judges and Public Prosecutors, and
- initial training of candidates for judges and deputies public prosecutors and continuous professional development of judges, public prosecutors and their deputies, of the employees in the courts and public prosecution offices, as well as of the civil servants from the Ministry of Justice which perform activities from the area of the justice system.

2. Capital expenditures for:

- purchasing of capital assets for courts,
- investment maintenance of the facilities and court equipment
- purchasing of capital assets for Academy for Judges and Public Prosecutors
- investment maintenance of the facilities and equipment of the Academy for Judges and Public Prosecutors

The drafting of the Court Budget is made on the basis of the fiscal policy and the main categories on the assessed revenues and expenditures for the next budget year, and in compliance with the internal criteria and methodology determined by the Court Budget Council.

The courts and the Academy for Judges and Public Prosecutors submit the following data to the Court Budget Council by June 1 of the current year the latest:

- estimate of the expenditures for the fiscal year, according to the expense items and smaller items,
- estimate of the expenditures for the next two fiscal years according to the expenses under categories,
- review of the expenses for the employment requisite for the carrying out of the functions of the users,
- proposals that contain future obligations or expenditures that shall be incurred over several years, including the investment projects presented individually, and - expenses for every forthcoming year presented individually.

In addition to this data, the users submit an explanation regarding the amount of the funds according to their positions.

After it receives the proposals, the Court Budget Council draws up a Court Budget Proposal and together with the explanation on the amounts of funds submits it to the Ministry of Finances.

Prior to the submission of the Budget Proposal of the Republic of Macedonia to the Government of the Republic of Macedonia, the Minister of Finances together with the President of the Court Budget Council shall mandatory adjust the part of the funds "Court Budget" from the Budget Proposal of the Republic of Macedonia.

The Court budget as a part of State budget is adopted by he Parliament.

The President of the court and the Director of the Academy for Training of Judges and Public Prosecutors is responsible for the enforcement of the financial plan in the court, respectively, the Academy for Judges and Public Prosecutors.

The Court Budget Council follows the enforcement of the court financial plan. If, during the control, it is determined that irregularities and abuses by the President of the Court and by the Director of the Academy for Judges and Public Prosecutors have occurred in the process of enforcement of the financial plan, the Council informs the Supreme Court of the Republic of Macedonia, the Ministry of Justice, the Judicial Council, the Academy for Judges and Public Prosecutors, the Ministry of Finance, and the State Bureau for Revision.

A2. Please indicate the sources for answering questions 6 to 14:

Sources: Q 6 - Court Council of the Republic of Macedonia, Q 9 Ministry of Finance, Q 12 Ministry of Justice and courts and Q 13 Public Prosecution Office

1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

Approved budget (in €)	Implemented budget (in €)
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Total annual public budget allocated to the whole justice system in €	67737123 [] NA [] NAP	61915030 [] NA [] NAP
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Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: Starting this cycle the budget for the Special prosecution office is also included.

015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):

	Included
Court (see question 6)	(X) Yes () No [] NAP
Legal aid (see question 12)	(X) Yes () No [] NAP
Public prosecution services (see question 13)	(X) Yes () No [] NAP

Comments:

015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):

	Included
Prison system	(X) Yes () No [] NAP
Probation services	(X) Yes () No [] NAP
Council of the judiciary	(X) Yes () No [] NAP
Constitutional court	() Yes (X) No [] NAP
Judicial management body	(X) Yes () No [] NAP

State advocacy	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Notariat	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Forensic services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Judicial protection of juveniles	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
Refugees and asylum seekers services	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Immigration Service	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify: During last years there were a lot of activities for implementation of probation services. Budget for this line will increase in next cycles. Other - Ombudsman

A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Ministry of Justice, Court Budget Council, Directorate for Prison Administration, State Advocacy and Ombudsman.

2. Access to justice and all courts

2.1. Legal Aid

2.1.1. Scope of legal aid

016. Does legal aid apply to:

Criminal cases	Other than criminal cases
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Representation in court	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP
Legal advice	(X) Yes () No [] NA [] NAP	(X) Yes () No [] NA [] NAP

Comments 1. Criminal Procedure

Article 74

Compulsory defense with a defense counsel and ex-officio defense counsel

- (1) If the accused is dumb, deaf or incapable to defend himself or herself successfully or if a criminal procedure is conducted against him or her for a crime, which, according to the law, entails a sentence of life imprisonment, then the person shall have a defense counsel as of his or her first questioning.
- (2) The defendant shall have a counsel during the detention period, if detention has been imposed against him or her.
- (3) After an indictment has been raised for a crime for which a prison sentence of ten years or a more severe sentence is proscribed in the law, the accused shall have a counsel at the time of the delivery of the indictment.
- (4) The accused shall have a defense counsel during the procedure of negotiation and bargaining with the public prosecutor on the guilty plea.
- (5) The defendant who is being tried in his or her absence shall have a defense counsel assigned immediately after the decision for a trial in absence has been brought.
- (6) If the accused, in the cases of compulsory defense as referred to in the previous paragraphs of this Article, does not provide a counsel himself, the President of the Court shall assign a defense counsel ex officio for the further duration of the criminal procedure until the final legally valid verdict. When the accused has been assigned a counsel ex officio after the indictment has been raised, the accused shall be informed accordingly together with the act of delivery of the indictment.

Article 75

Defense of indigent persons

- (1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.
- (2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.
- (3) The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

3. In The Law on Court Fees there is special Chapter (Articles 10-17) related to exemption of court fees.

2. The Law on Civil procedure

Exemption from payment of the expenses for the procedure

Article 163

- (1) The court will exempt from payment of the expenses for the procedure the party which according to its general state of wealth does not have the possibility to bear these expenses

without damages to the necessary personal support and the support of its family.

(2) The exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

(3) The court may exempt the party only from payment of fees, if because of paying the fees the funds for supporting the party and the members of its family would significantly decrease.

(4) When making the decision for exemption from payment of the expenses for the procedure, the court will carefully evaluate all the circumstances, and it will especially take into consideration the value of the case, the number of dependants of the party, and the incomes of the parties and the members of its family.

Article 164

(1) The decision for exemption from payment of the expenses for the procedure is made by the court of first instance upon the proposal from the party.

(2) The party is obligated to enclose with the proposal a certificate about its state of wealth from the state revenue department.

(3) In the certificate about the state of wealth, the amount of tax paid by the household and by individual members of the household must be stated, as well as other sources of their incomes, and in general, the state of wealth of the party to which the certificate is issued.

(4) More detailed regulations for issuing certificates about the state of wealth are enacted by the revenue department that is determined with a separate regulation.

(5) When this is necessary, the court itself may ex officio also procure the necessary data and information about the state of wealth of the party which demands exemption and it may question the opposing party about this.

(6) An appeal against the court decision with which the proposal of the party is accepted is not allowed.

Article 165

(1) When the party is completely exempt from payment of the expenses for the procedure (Article 163 paragraph 2), upon its request, the court of first instance will determine that it be represented by an authorized agent, if this is necessary for protection of the rights of the party.

(2) The party that is assigned an authorized agent is exempt from payment of the actual expenses and award for the assigned authorized agent.

(3) The authorized agent from among the private attorneys is assigned by the president of the court.

(4) The assigned authorized agent may request to be dismissed for justified reasons. The president of the council decides on this outside of the main hearing, and at the hearing - the council. An appeal against the court decision with which the authorized agent is dismissed is not allowed.

(5) An appeal against the court decision with which the proposal of the party for assigning the authorized agent is accepted is not allowed.

Article 166

When the party is completely exempt from payment of the expenses for the procedure (Article 163 paragraph 2), an advance payment will be made from the funds of the court for the expenses of the witnesses, expert witnesses, translators and interpreters for insight and for issuing a court advertisement, as well as the actual expenditures for the assigned authorized agent.

Article 167

(1) The court of first instance may revoke the decision for exemption from payment of the expenses and for the assignment of an authorized agent during the procedure, if it determines that the party is capable to cover the expenses of the procedure. Hereby, the court will decide whether the party will compensate fully or partially also those expenses and fees from which it was exempt earlier, as well as the actual expenditures and award for the assigned

authorized agent.

(2) Primarily will be compensated the amounts paid out from the funds of the court.

Article 168

(1) The fees and expenses paid out from the funds of the court, as well as the actual expenditures and the award of the assigned authorized agent are part of the litigation expenses.

(2) The court will decide, according to the provisions for compensation of expenses, on the compensation of these expenses by the opposing party to the party which is exempt from payment of the expenses for the procedure.

(3) The fees and expenses that are paid out from the funds of the court are collected ex officio by the court of first instance from the party which is obligated to compensate them.

(4) If the opposing party to the party which is exempt from payment of the expenses for the procedure is sentenced to compensate the litigation expenses, and if it is determined that it is not in state to pay these expenses, the court may additionally determine that the expenses from paragraph 1 of this Article will be paid completely or partially by the party which is exempt from payment of the litigation expenses from what was stated in the decision. This does not interfere with the right of this party to request compensation from the opposing party for the paid amount.

Article 169

The tariff for compensation of the expenses of the civil procedure which will be incurred in the courts in the Republic of Macedonia is determined by the Minister of Justice with sub-regulations.

017. Does legal aid include the coverage of or the exemption from court fees?

Yes

No

Comments - If yes, please specify: 1. Civil Procedure

According to the Article 163 from the Law on Civil Procedure, the court shall exempt from payment of the expenses for the procedure the party which according to its general state of wealth is not capable of bearing these expenses without damages to the necessary personal support and the support of its family. Also, the exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

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

Yes

No

Comments - If yes, please specify:

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

Criminal cases	Other than criminal cases
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Legal aid granted for other costs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Yes
	<input type="checkbox"/> No	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> NA	<input type="checkbox"/> NA
	<input type="checkbox"/> NAP	<input type="checkbox"/> NAP

Comments - If yes, please specify: 1 The Law on Criminal procedure

Article 244

Nomination of technical advisors

(1)The public prosecutor, the defendant and the defense counsel shall have the right to nominate technical advisors from the registry of court approved experts, as of rule, but not more than two of them, who will help them in the gathering of information on professional issues or to contest the expert's report.

(2)The defendant and his or her counsel, in cases and under circumstances as prescribed in this Law for defense of indigent persons as referred to in Article 75 of this Law, shall have the right to be assisted by a technical advisor who will be paid from the State Budget of the Republic of Macedonia.

(3)A person who cannot be an expert pursuant to Article 238 of this Law may not be nominated as a technical advisor.

2. The Law on Civil Procedure

Article 162, para 2

(2) The exemption from payment of the expenses for the procedure includes exemption from payment of fees and exemption from depositing an advance payment for the expenses for witnesses, expert witness, for insight and for the court advertisements.

2.1.2. Quantitative information on legal aid



020. (Modified question) Please indicate the number of cases for which legal aid has been granted:

	Cases brought to court	Cases not brought to court / non-litigious cases
TOTAL	1427 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In criminal cases	1327 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
In other than criminal cases	100 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please specify when appropriate: In 2016 there were 1306 criminal cases referred to the court for which court granted free legal aid (compulsory defense) and 21 cases referred to the court for which court granted free legal aid (Defense of indigent persons) . Additionally in the same year there were 35 civil cases referred to the court for which court granted free legal aid and 65 civil cases for which Ministry of Justice granted legal aid according to the Law on free legal aid.

The number of cases for which legal aid has been granted, decrease is related to decreased number of incoming cases in the courts.

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

	Assisted by a free of charge lawyer
Accused individuals	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify: The Law on Criminal Procedure

Article 74

Compulsory defense with a defense counsel and ex-officio defense counsel

(1) If the accused is dumb, deaf or incapable to defend himself or herself successfully or if a criminal procedure is conducted against him or her for a crime, which, according to the law, entails a sentence of life imprisonment, then the person shall have a defense counsel as of his or her first questioning.

(2) The defendant shall have a counsel during the detention period, if detention has been imposed against him or her.

(3) After an indictment has been raised for a crime for which a prison sentence of ten years or a more severe sentence is proscribed in the law, the accused shall have a counsel at the time of the delivery of the indictment.

(4) The accused shall have a defense counsel during the procedure of negotiation and bargaining with the public prosecutor on the guilty plea.

(5) The defendant who is being tried in his or her absence shall have a defense counsel assigned immediately after the decision for a trial in absence has been brought.

(6) If the accused, in the cases of compulsory defense as referred to in the previous paragraphs of this Article, does not provide a counsel himself, the President of the Court shall assign a defense counsel ex officio for the further duration of the criminal procedure until the final legally valid verdict. When the accused has been assigned a counsel ex officio after the indictment has been raised, the accused shall be informed accordingly together with the act of delivery of the indictment.

Article 75

Defense of indigent persons

(1) When the conditions for mandatory defense are not met, upon his or her motion, the defendant may be assigned counsel, if, taking his or her financial situation into consideration, it is deemed that the defendant cannot bear the expenses of the defense, when required for the purpose of the interest of justice and specifically due to the severity of the crime and complexity of the case. In the motion, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

(2) The judge of the preliminary procedure i.e. the Presiding Judge of the Trial Chamber shall rule on the motion as referred to in paragraph 1 of this Article, and the defense counsel shall be appointed by the President of the Court.

(3)The defense expenses as referred to in paragraph 1 of this Article shall be covered by the State Budget of the Republic of Macedonia.

022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?

(X) Yes

() No

Comments According to the Article 75 from The law on Criminal procedure, the defendant can indicate the preferred attorney from the list of defense counsels of the appropriate legal community.

023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
Full legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Full legal aid for other than criminal cases	2087 [] NA [] NAP	2547 [] NA [] NAP

Partial legal aid for criminal cases	[] NA [X] NAP	[] NA [X] NAP
Partial legal aid for other than criminal cases	[] NA [X] NAP	[] NA [X] NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: Regulated in Articles 12, 13 and 14 from the Law on free legal aid.

Article 12

(1) The right to a free legal aid shall be entitled to the persons referred to in paragraph (2) of this Article who, considering their material state, could not exercise their rights guaranteed with the Constitution and the laws, without endangering their personal support and the support of their family members with whom they share a common household.

(2) The right to free legal aid, in accordance with this Law, shall belong to the following citizens of the Republic of Macedonia with a permanent residence in the Republic of Macedonia:

- social welfare beneficiaries,
- disability insurance right beneficiaries, who do not have other income by earning or income resulting from estates,
- users of the lowest pension living in a family union with two or more people supported by them
- Child in risk,
- Child for which there are ground for suspicion for conducting criminal offence or misdemeanor and
- families or single parent with one or more minors which exercise the right of a children's supplement.

(3) The right to free legal aid, in accordance with this Law, shall also belong to the following:

- asylum seekers,
- a person granted with the right to asylum, internally displaced person, as well as a displaced or exiled person with a residence at the territory of the Republic of Macedonia,
- foreign citizen who, in accordance with international agreements, whether they have a domicile or residence in the Republic of Macedonia, exercise their right for which a state body of the Republic of Macedonia is competent,
- a stateless person (apatrid) with legally regulated residence in the Republic of Macedonia, and
- citizen of an EU Member State under conditions and manner specified by this Law.

(4) It is considered that the support of the person seeking free legal aid and the support of members of their family who live in common household is endangered if the revenue on all grounds of that person and members of his/her household do not exceed the amount of 50% of the average monthly salary in the Republic Macedonia for the previous month at the time of filing the application for free legal aid.

(5) The revenues of the person seeking legal aid can be assessed individually, if there are conflicting family interests in a dispute requiring free legal aid.

(6) For beneficiaries of social welfare or the disability insurance right, who do not realise other incomes on the basis of earning, or are beneficiaries of children's supplement, the Ministry shall obtain relevant information from the Centre for Social Work.

(7) The situation regarding properties of the person who apply for free legal aid shall be determined on the basis of evidence issued by competent authority for property state, determined on the basis of data regarding income on all grounds for that person, as well as the members of his/her household and a statement of his material and social state for a period of six months before submitting the application.

Article 13

The income of the applicant for legal aid, i.e. the members of his/her family who live in the same household shall be considered to be the entire movable and immovable property, except for:

- children's supplement;
- disability insurance benefits,
- supplement for care for others,
- scholarships and other income, for the purpose of education or vocational training;
- funds obtained to eliminate consequences of natural disasters;
- compensation for damage due to reduced life activity,
- compensation for damage for inadequately convicted persons or persons wrongfully or unlawfully deprived of liberty and
- funds approved by a competent institution for treatment abroad.

Article 14

(1) Free legal aid may be not be granted if the applicant or member of his/her family living in the same household possess property that

reaches or exceeds the amount of five average monthly gross salaries paid in the Republic of Macedonia within the previous month.

(2) Property, in accordance with paragraph (1) of this article, shall not be considered to be:

- items that, according to the Law on Enforcement, are exempted from enforcement, and

- motor vehicle whose value does not exceed the amount of five average monthly gross salaries paid in the Republic of Macedonia within the previous month.

024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments Both the court and the Ministry of justice. Court and the Ministry of Justice in separate procedures can grant or refuse legal aid in different procedures. Court decides according to the Law on Civil procedure, while the Ministry of Justice decide according to the provisions in the Law on free legal aid.

The aim of the the Law on free of charge legal aid is to provide equal access to the justice for citizens. The Law determines free of charge legal aid provided by the state to the parties realised by lawyers.

This Law stipulates the right to free legal aid, the procedure by which it is realised, the beneficiaries, the conditions and the way it is realised, the providers of the free legal aid, the bodies competent to decide, the protection of the right to free legal aid, the financing and supervision of its realisation, the organisation of days for free legal advice, free legal aid in over-border disputes, as well as supervision of the implementation of the provisions of this Law.

The purpose of this Law is to guarantee equal access of the citizens and of other persons defined with this Law, to institutions of the system, in order to introduce, realise, and provide effective legal aid in accordance with the principle of equal access to justice. The procedure of free legal aid is an urgent procedure.

026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

B1. Please indicate the sources for answering questions 20 and 23 :

Sources: Courts
Ministry of Justice

2.2.Users of the courts and victims

2.2.1.Rights of the users and victims

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

	Yes, please indicate the internet adresse(es)	No
legal texts (e.g. codes, laws, regulations, etc.)	(X) www.pravda.gov.mk www.sobranie.mk, www.pravo.org.mk, www.slvesnik.com.mk www.pf.ukim.edu.mk www.stat.gov.mk www.akademik.mk	()
case-law of the higher court/s	(X) www.sud.mk	()
other documents (e.g. downloadable forms, online registration)	(X) www.sud.mk	()

Comments - Please specify what documents and information the addresses for “other documents” include: e-delivery, online forms for petitions from citizens, accreditation from journalists etc.

029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?

- (X) Yes, always
- () No
- () Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify: In court proceedings, according to the procedural laws, the court is obliged to inform the parties on the foreseeable timeframes for undertaking certain procedural actions as well as for the right to appeal. In the Law on Civil Procedure there are specified deadlines for procedural actions.

030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?

- (X) Yes
- () No

Comments - If yes, please specify: In new Law on justice for children there are provisions that guarantee right of children to be informed

for their rights guaranteed by this law and ratified international conventions.

031. Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of terrorism	(X) Yes () No	(X) Yes () No	() Yes (X) No
Minors (witnesses or victims)	(X) Yes () No	(X) Yes () No	() Yes (X) No
Victims of domestic violence	(X) Yes () No	(X) Yes () No	() Yes (X) No
Ethnic minorities	(X) Yes () No	(X) Yes () No	() Yes (X) No
Disabled persons	(X) Yes () No	(X) Yes () No	() Yes (X) No
Juvenile offenders	(X) Yes () No	(X) Yes () No	() Yes (X) No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	(X) Yes () No	(X) Yes () No	() Yes (X) No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify: The Law on Criminal Procedure Article 53

Victim’s rights

(1) The victim of a crime shall have the following rights:

- 1) to participate in the criminal procedure as an injured party by joining the criminal prosecution or for the purpose of a legal property claim for damages;
- 2) to get special care and attention by the bodies and entities that participate in the criminal procedure; and
- 3) to get an effective psychological and other professional assistance and support by bodies, institutions and organizations that provide for help to crime victims.

(2) The police, the public prosecutor and the court shall act with special care towards the victims of criminal offenses, advising them of their rights as referred to in paragraph 1 of this Article and Articles 54 and 55 of this Law and they shall take care of their interests when making decisions for criminal prosecution of the accused, i.e. when undertaking actions during the criminal procedure when the victim has to be present in person, when they have to draft an official note or record.

(3) In accordance with the special regulations, any victim of a crime, which entails a prison sentence of at least four years, shall have the right to:

- 1) get a councilor paid by the state budget before giving a statement, i.e. declaration or filing the legal-property claim, if the victim has serious psycho-physical impairment or if there are serious consequences as a result of the crime; and
- 2) be compensated for material and non-material damages from a state fund, under conditions and in a manner as prescribed in a separate law, if the damage caused cannot be compensated from the convicted person.

Article 54

Special rights of victims of vulnerable categories of victims

(1) The victims shall have the right to special measures of process protection when giving statement or being interrogated during all stages of the procedure:

- 1) if, at the time when giving the statement, the victim is less than 18 years of age;
- 2) if giving a statement or an answer to a certain question would mean exposing themselves or another close person to a serious threat for

their life, health or physical integrity (endangered victims);

3) if, because of their age, the nature and consequences of the crime, the physical or psychological disability or another significant health condition, the social or cultural history, family circumstances, religious beliefs and the ethnic affiliation of the victim, the behavior of the defendant, members of the defendant's family or friends towards the victim, there might be harmful consequences for their psychological or physical health or if it has a negative effect on the quality of the statement provided (especially vulnerable victims).

(2) The special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

(3) When deciding on the determination of the special measures of process protection referred to in paragraph 2 of this Article, the court shall have to take into account the victim's will.

(4) The court shall have to assign special measures of process protection in the cases as referred to in paragraph 1, item 1 of this Article:

1) when a child victim has a need for special care and protection; or

2) when the child is a human trafficking victim, victim of violence or sexual abuse.

(5) In cases as referred to in paragraph 4, individually or along with another special measure of protection, the court has to ask for a video and audio recording of the statement and interrogation of the child, so that it can be used as evidence in the procedure. In exceptional cases, because of newly established circumstances in the case, the court may order additional interview of the child victim, once more at the most, through the use of technical means of communication.

(6) The manner of implementation of the special measures of process protection of child victims is regulated with a separate law.

Article 55

Special rights of victims of crimes against gender freedom and gender morality, humanity and international law

(1) Apart from the rights established in Article 53, the victim of crimes against gender freedom and gender morality, humanity and international law, shall also have the following rights:

1) before the interrogation, to speak to a counselor or a proxy free of charge, if he or she participates in the procedure as an injured party;

2) to be interrogated by a person of the same gender in the police and the public prosecution office;

3) to refuse to answer questions that refer to the victim's personal life, if those are not related to the crime;

4) to ask for an examination with the use of visual and audio means in a manner established in this Law; and

5) to ask for an exclusion of the public at the main hearing.

(2) The court, the Public Prosecutions Office and the police shall be obliged to advise the victim of his or her rights referred to in paragraph 1 of this Article, prior to the very first examination at the latest and to prepare an official note or record accordingly.

031-1. Is it possible for minors to be a party to a judicial proceeding:

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.): The Law on criminal procedure

Article 59

Proposal for criminal prosecution or private action filed on behalf of a minor

(1) On behalf of minors and persons that are fully incapacitated to work, the criminal prosecution proposal or the personal legal action shall be submitted by their legal representative.

(2) Minors who have already turned eighteen years of age may submit proposals or private actions themselves.

Article 66

Minor as an injured party

(1) If the injured party is a minor or a person that is fully incapacitated to work, his or her legal representative shall be authorized to give all statements and to undertake all actions for which, according to this Law, the authority belongs to the injured party.

(2) Any injured party who is older than eighteen (18) years of age shall be authorized to give statements and take actions during the procedure on his or her own.

032. Does your country allocate compensation for victims of crime?

Yes, please specify for which kind of offences:

No

Comments

032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?

Yes

No

Comments According to the new Law on the Criminal Procedure, fund for compensation of victims shall be established. This matter will be regulated by separate law.

In the Law on justice for children there are provisions that guarantee the right for children (victims of crime) for compensation of damages in accordance with the Programme for reimbursement for damages adopted by the Minister of justice.

According to this provision in 2016 the Minister of justice adopted the programme and allocated appropriate funds for its realisation.

033. If yes, does this compensation come from:

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments According to the new Law on the Criminal Procedure, fund for compensation of victims shall be established. This matter will be regulated by separate law.

034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?

Yes

No

Comments - If yes, please specify: In the Witness protection law victims are included when they appear as witnesses. In this case they can conclude agreement with Witness Protection Unit which shall provide protection and assistance. Among others, public prosecutor have right to initiate non - procedural measures for protection of the victims. Moreover, the Public prosecutor of the Republic of Macedonia has the competence to put such proposal before the Witness Protection Council. Victims are also being provided with special procedural rights during the criminal procedure as defined in the Law on Criminal Procedure.

According to the Law on Criminal Procedure the special measures of process protection shall be determined by the court, upon proposal from the public prosecutor or the victim, or upon its own initiative, when it is necessary to protect the endangered and especially vulnerable victims.

036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)

Yes

No

NAP

Comments - If necessary, please specify: Victims have right for dispute a public prosecutor's decision to discontinue a case that is submitted to the High public prosecution office.

2.2.2. Confidence of citizens in their justice system



037. (Modified question) Is there a system for compensating users in the following circumstances:

	Number of requests for compensation	Number of condemnations	Total amount (in €)
Total	549 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	64709 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Excessive length of proceedings	490 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	63980 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Non-execution of court decisions	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful arrest	34 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	729 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Wrongful conviction	4 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Other	21 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions): 1. In line with the responsibilities for implementation of the standards for the right of trial in a reasonable time frame, according to the European Convention on Human Rights, and the priority to decrease of the number of applications from RM on the basis of article 6, before the ECHR, the Law on courts from 2006 and the Amendments to the Law on courts provide sole jurisdiction to trial on claims for protection of the right to a trial in a reasonable time frame for the Supreme Court of RM. Hence, in April 2009 the Department for Processing of Cases within Reasonable Time was established, in line with the Working Schedule of the Supreme Court of RM. Additionally, Law on enforcement of ECHR decisions and Law for legal representation of RM before ECHR were adopted in order to establish efficient system for enforcement of the ECHR decisions.

2. The Law on Criminal procedure defines the procedure for damage compensation, rehabilitation and for realisation of other rights of persons who are convicted and arrested on unjustified grounds or unlawfully.

038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the

judicial system? If yes, how frequently and up to what level?

	National level	Court level
1. (Satisfaction) surveys aimed at judges	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
2. (Satisfaction) surveys aimed at court staff	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
3. (Satisfaction) surveys aimed at public prosecutors	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
4. (Satisfaction) surveys aimed at lawyers	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
5. (Satisfaction) surveys aimed at the parties	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input checked="" type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above: These surveys are carried out by international projects, NGO`s, and Association of Judges.

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

(X) Yes

() No

Comments According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to the Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of court`s services, hence not infringing the principles of independence and autonomy of the judicial authority.

041. (Modified question) If yes, please specify certain aspects of this procedure:

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Higher court	(X) Yes () No	(X) Yes () No
Ministry of Justice	(X) Yes () No	(X) Yes () No
Council of the Judiciary	() Yes (X) No	() Yes (X) No
Other external bodies (e.g. Ombudsman)	(X) Yes () No	(X) Yes () No

041-1. (Modified question) Please specify further certain aspects of this procedure:

	Number of complaints	Compensations amount granted to users
Court concerned	[X] NA [] NAP	[] NA [X] NAP
Higher court	[X] NA [] NAP	[] NA [X] NAP
Ministry of Justice	296 [] NA [] NAP	[] NA [X] NAP
Council of the Judiciary	[] NA [X] NAP	[] NA [X] NAP
Other external bodies (e.g. Ombudsman)	577 [] NA [] NAP	[] NA [X] NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

According to the Article 83 from the Law on the Courts, the Ministry of Justice has competence to examine the complaints by citizens on the work of the courts related to the delay of court proceedings as well as on the work of court services.

According to the Article 12 from the Law on the Ombudsman, the Ombudsman shall undertake actions and measures for protection against unjustified delay of court proceedings or unconscientious and irresponsible performance of the work of court's services, hence not infringing the principles of independence and autonomy of the judicial authority.

3. Organisation of the court system

3.1. Courts

3.1.1. Number of courts

042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	25 [] NA [] NAP

42.2 First instance specialised courts (legal entities)	3 [] NA [] NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	34 [] NA [] NAP

Comments Specialised first instance courts: Basic Court Skopje 1 (criminal court), Basic Court Skopje 2 (Civil Court) and Administrative court

Specialised second instance court: Hihg Administrative Court

043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	3 [] NA [] NAP
Commercial courts (excluded insolvency courts)	[] NA [X] NAP
Insolvency courts	[] NA [X] NAP
Labour courts	[] NA [X] NAP
Family courts	[] NA [X] NAP
Rent and tenancies courts	[] NA [X] NAP
Enforcement of criminal sanctions courts	[] NA [X] NAP
Fight against terrorism, organised crime and corruption	[] NA [X] NAP
Internet related disputes	[] NA [X] NAP
Administrative courts	1 [] NA [] NAP
Insurance and / or social welfare courts	[] NA [X] NAP
Military courts	[] NA [X] NAP
Other specialised 1st instance courts	2 [] NA [] NAP

Comments - If "other specialised 1st instance courts", please specify: Other - Basic Court Skopje I (criminal court), Basic Court Skopje II (Civil Court)

044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?

Yes

No

Comments - If yes, please specify: According to the Strategy for the reform of Judicial Sector adopted by the Government of the Republic of Macedonia in November 2017, the following measure is defined in the Action Plan for the implementation of the Strategy: "Analysis of the court network and the number of courts in the Republic of Macedonia in order to optimise the number of courts through amendments to the Law on the Courts."

045. Number of first instance courts (geographic locations) competent for a case concerning:

	Number of courts
a debt collection for small claims	26 [] NA [] NAP
a dismissal	26 [] NA [] NAP
a robbery	26 [] NA [] NAP

Comments In the Republic of Macedonia there are 11 basic courts with extended competence and 16 basic courts with basic competence.

045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?

Yes

No, please give your definition for small claims:

Comments In 2015 the Parliament adopted amendments on the Law on Civil Procedure which increase the amount of small claims to 600.000 Denars (9756 Euro). That provision started to be implemented from February 2016.

In 2017 the Center for Legal Research and Analysis prepared the analysis "Economic Value on Civil Petty Cases". This publication contains deep cost benefit analysis of all aspects of small claims. The publication is available on the following web site:

<http://cpia.mk/media/files/ekonomska-opravnost-na-sporovite-od-mala-vrednost.pdf>

045-2. (New question) Please indicate the value in € of a small claim:

[9756]

Comments Defined in the Law on Civil Procedure

C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Q 45 - The Law on Courts
Q 45 - The Law on Civil Procedure

3.2. Court staff

3.2.1. Judges and non-judge staff



046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of professional judges (1 + 2 + 3)	566 [] NA [] NAP	228 [] NA [] NAP	338 [] NA [] NAP
1. Number of first instance professional judges	435 [] NA [] NAP	168 [] NA [] NAP	267 [] NA [] NAP
2. Number of second instance (court of appeal) professional judges	106 [] NA [] NAP	48 [] NA [] NAP	58 [] NA [] NAP
3. Number of supreme court professional judges	25 [] NA [] NAP	12 [] NA [] NAP	13 [] NA [] NAP

Comment - Please provide any useful comment for interpreting the data above: In row 1. - Number of first instance professional judges there are counted judges in all 27 basic courts and judges in Administrative court.

In row 2. - Number of second instance professional judges there are counted judges in all 4 appellate courts and judges in High Administrative court.

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	34 [] NA [] NAP	20 [] NA [] NAP	14 [] NA [] NAP
1. Number of first instance court presidents	28 [] NA [] NAP	19 [] NA [] NAP	9 [] NA [] NAP
2. Number of second instance (court of appeal) court presidents	5 [] NA [] NAP	1 [] NA [] NAP	4 [] NA [] NAP
3. Number of supreme court presidents	1 [] NA [] NAP	0 [] NA [] NAP	1 [] NA [] NAP

Comments

048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):

	Figure
Gross figure	[] NA [X] NAP
In full-time equivalent	[] NA [X] NAP

Comments - If necessary, please provide comments to explain the answer provided:

048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?

() Yes, please give specifications on the types of cases and an estimate in percentage.

(X) No

Comments

049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):

	Figure
Gross figure	739 [] NA [] NAP
In full time equivalent	398 [] NA [] NAP

Comments Lay Judges in the Republic of Macedonia are elected by the Court Council. Conditions for their election are defined in the Law on Courts.

049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:

	Yes	No	Echevinage
in criminal law cases	()	()	(X)
- severe criminal cases	()	()	(X)
- misdemeanour and/or minor criminal cases	()	(X)	()
in family law cases	()	()	(X)
in civil cases	()	()	(X)
in labour law cases	()	()	(X)

in social law cases	()	()	(X)
in commercial law cases	()	()	(X)
in insolvency cases	()	(X)	()
other	()	(X)	()

Comments - If "other", please specify:

050. Does your judicial system include trial by jury with the participation of citizens?

() Yes

(X) No

Comments

050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)

[] Severe criminal cases

[] Misdemeanour cases

[] Other cases

Comments

051. Number of citizens who were involved in such juries for the year of reference:

[]

[] NA

[X] NAP

Comments

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

	Total	Males	Females
Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)	2225 [] NA [] NAP	857 [] NA [] NAP	1368 [] NA [] NAP
1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)	552 [] NA [] NAP	202 [] NA [] NAP	350 [] NA [] NAP

3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)	1309 [] NA [] NAP	399 [] NA [] NAP	910 [] NA [] NAP
4. Technical staff	168 [] NA [] NAP	64 [] NA [] NAP	104 [] NA [] NAP
5. Other non-judge staff	196 [] NA [] NAP	192 [] NA [] NAP	4 [] NA [] NAP

Comments - If "other non-judge staff", please specify: Row 2 consists only law clerk that is responsible for helping the judges in drafting decisions, while other categories such case file preparation, assistance during the hearing, court recording are presented in row 3. Under row 5. Other non-judge staff" there are presented data for court police.

053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

054. Have the courts outsourced certain services, which fall within their powers, to private providers?

- Yes
- No

Comments

054-1. (New question) If yes, please specify which services have been outsourced:

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify):

Comments

C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52

Sources: Judicial Council
Court Budget Council

3.3. Public prosecution

3.3.1. Public prosecutors and staff



055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.

	Total	Males	Females
Total number of prosecutors (1 + 2 + 3)	173 [] NA [] NAP	71 [] NA [] NAP	102 [] NA [] NAP
1. Number of prosecutors at first instance level	139 [] NA [] NAP	52 [] NA [] NAP	87 [] NA [] NAP
2. Number of prosecutors at second instance (court of appeal) level	24 [] NA [] NAP	12 [] NA [] NAP	12 [] NA [] NAP
3. Number of prosecutors at supreme court level	10 [] NA [] NAP	7 [] NA [] NAP	3 [] NA [] NAP

Please indicate any useful comment for interpreting the data above: Some prosecutors were retired and there was not enough candidates from the Academy to fill their positions

056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.

	Total	Males	Females
Total number of heads of prosecution offices (1 + 2 + 3)	26 [] NA [] NAP	20 [] NA [] NAP	6 [] NA [] NAP
1. Number of heads of prosecution offices at first instance level	21 [] NA [] NAP	15 [] NA [] NAP	6 [] NA [] NAP
2. Number of heads of prosecution offices at second instance (court of appeal) level	4 [] NA [] NAP	4 [] NA [] NAP	0 [] NA [] NAP
3. Number of heads of prosecution offices at supreme court level	1 [] NA [] NAP	1 [] NA [] NAP	0 [] NA [] NAP

Please provide any useful comment for interpreting the data above: Some prosecutors were retired and there was not enough candidates from the Academy to fill their positions. The prosecutors in the newly established Special Prosecution Office were internally recruited and this did not affect the total number.

057. Do other persons have similar duties to public prosecutors?

() Yes, please specify their number (in full-time equivalent):

(X) No

Comments - If yes, please specify their title and functions:

059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?

() Yes

(X) No

Comments

059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?

(X) Yes

() No

Comments In the Academy for judges and prosecutors are organised a lot of training activities in the field of domestic and sexual violence.

060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).

	Total	Males	Females
Number of staff (non-public prosecutors) attached to the public prosecution service	392 [] NA	107 [] NA	285 [] NA

Comments The increase is a result to the included staff of the new Special Public Prosecution Office (40 employees). It should also be noted that this number are not included investigators that work for public prosecutors as judicial police and they are employed mostly by the Ministry of the interior.

C2. Please indicate the sources for answering questions 55, 56 and 60

Sources: Public Prosecution Office

3.4. Management of the court budget

3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?



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

Comments - If "other", please specify: Regulated in the Law on court budget.

3.6. Performance and evaluation

3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

(X) Yes

() No

Comments - If yes, please specify: Supreme Court annually reviews reports of all courts regarding their work including qualitative criteria. Court Council of the Republic of Macedonia defines qualitative and quantitative criteria for work of the courts.

In 2017, within the project "Development of monitoring indicators for the justice sector performance" supported by the British Embassy in Skopje, the Center for Legal Research and Analysis published the Matrix of monitoring indicators for the justice sector performance in Macedonia. This Matrix beside others contains indicators for quality of justice.

067. Do you have specialised court staff that is entrusted with these quality standards?

(X) Yes

() No

Comments Within the Court Council there is a staff responsible for defining qualitative and quantitative criteria, as well as following their implementation.

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

(X) Yes

() No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

() Annual

() Less frequent

(X) More frequent

Comments - If "less frequent" or "more frequent", please specify: Appellate courts visits lower courts and they made reports as a result of their visits according to previously prepared plan for visit.

069. Is there a system for monitoring and evaluating the performance of the public prosecution service?

- Yes
- No

Comments - If yes, please give further details: Public Prosecution of the Republic of Macedonia and the High Public Prosecution offices in the Republic of Macedonia conduct regular visits to the Basic Public Prosecution Offices in order to evaluate their work. The visits are conducted according to the Annual Programms for work of the High Public Prosecutor's Office and the Public Prosecutor's Office of the Republic of Macedonia.

3.6.2. Performance and evaluation of courts

070. Do you have, within the courts, a regular monitoring system of court activities concerning:

- number of incoming cases
- number of decisions delivered
- number of postponed cases
- length of proceedings (timeframes)
- age of cases
- other (please specify):

Comments The Law on Management of Court Cases, foresees use of automated computer system to manage court cases; respect for legal deadlines for procedural action, as well as for the adoption, producing and publishing the court decisions; it foresees establishing of Taskforce to manage the case flow through the court, which proposes measures to prevent and reduce the backlog of cases, regulates the modalities of publication of court decisions on the web-site of the court. President of the Court establishes the Task Force on managing the case-flow, chaired by the court administrator or an individual appointed by the president of the court, in courts where there is no court administrator. Its members are presidents of the court's departments and court officers in the rank of managerial court servants, or professional court servants.

071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:

- civil law cases
- criminal law cases
- administrative law cases

Comments See comment on the Q70
Judicial Council on regular bases monitor backlog of cases.

072. Do you have an evaluation process to monitor waiting time during court procedures?

- Yes
- No

Comments - If yes, please specify: Court president is obliged to monitor waiting time during court procedures.

073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?

Yes

No

Comments

073-0. (New question) If yes, please specify the frequency:

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify: Court president is obliged to monitor waiting time during court procedures.

073-1. Is this evaluation of the court activity used for the later allocation of means to this court?

Yes

No

Comments

074. Are there performance targets defined at the level of the court?

Yes

No

Comments General targets are mainly related to clearance rate and disposition time as well as decreasing the backlog of the cases.

075. (Modified question) Please specify the main targets applied to the courts:

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify):

Comments On the level of the court, performances targets are contained in the annual programme for the work of the court in accordance with the targets defined by Supreme Court of the Republic of Macedonia and Court Council of the Republic of Macedonia.

076. Who is responsible for setting the targets for the courts?

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify):

Comments Supreme Court of the Republic of Macedonia and Court Council of the Republic of Macedonia.

077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)

Yes

No

Comments

078. If yes, please select the main performance and quality indicators that have been defined:

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

079. Who is responsible for evaluating the performance of the courts (multiple options possible) :

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify):

Comments Supreme Court annually evaluate performance of the courts.

3.6.3. Court activity and administration

080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

Yes (please indicate the name and the address of this institution): Court Council of the Republic of Macedonia

No

Comments Beside Judicial Council of the Republic of Macedonia certain statistical data are collected within the Supreme Court, Ministry of Justice and the State Statistical Office.

080-1. Does this institution publish statistics on the functioning of each court:

Yes, on internet

No, only internally (in an intranet website)

No

Comments Judicial Council of the Republic of Macedonia publishes in its own reports some statistical data regarding the functioning of the courts on the web site.

State Statistical Office publishes detailed statistical data on its web site particularly in the field of criminal cases. All of these reports are available on the following web site: www.stat.gov.mk and <http://stat.gov.mk/OblastOpsto.aspx?id=6>

081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?

Yes

No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

081-1. If yes, please specify in which form this report is released:

Internet

Intranet (internal) website

Paper distribution

Comments Reports are available on the following web site: www.sud.mk

081-2. (New question) If yes, please, indicate the periodicity at which the report is released:

Annual

Less frequent

More frequent

Comments

082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?

Yes

No

Comments - If yes, please specify:

082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?

Yes

No

Comments - If yes, please specify:

3.6.4. Performance and evaluation of judges



083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?

- Yes
- No

Comments These targets are different according to the type of cases.

083-1. Who is responsible for setting the targets for each judge?

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify):

Comments Court Council is responsible body for setting the targets for judges.

New node



4.Fair trial

4.1.Principles

4.1.1.Principles of fair trial



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

- [8]
- NA
- NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

- Yes, number of successful challenges in a year 1591
- No

Comments - Please could you briefly specify: In 2016 there were 2166 requests for exemption of judges while in the same year there were 1591 decisions for exemptions of judges.

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

Monitoring system	
For civil procedures (non-enforcement)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

For civil procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP
For criminal procedures (timeframe)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations: The Inter-Departmental Commission for Execution of Judgments and Decisions of the European Court of Human Rights (hereinafter: the Inter-Departmental Commission) , which was set up pursuant to the provisions of the Law on Execution of Judgments and Decisions of the European Court of Human Rights of 2009, as amended in 2014, presents an institutional monitoring mechanism.

It is composed of representatives of the Ministry of Justice, the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Finance; the President of the State Judicial Council; the President of the Supreme Court; the President of the Constitutional Court; the Presidents of the Appeal Courts in Skopje, Bitola, Gostivar and Štip; the President of the Higher Administrative Court; the Council of Public Prosecutors; the State Public Prosecutor and the Government Agent before the European Court of Human Rights. Its representatives held at least four sessions per year in order to analyse and discuss the comprehensive information gathered from all respective institutions, with a view to ensuring effective monitoring of the process of execution of the Court's judgments handed down in respect of Macedonia.

The Inter-Departmental Commission constitutes an inter-institutional group of experts in charge of examining specific issues raised by the judgments of the Court given in respect of Macedonia, identifying possible execution measures and monitoring their implementation. Additionally, the Inter-Departmental Commission may perform tasks which are tantamount to implementation of internal statutory and institutional systems to remedy the established violations of the European Convention on Human Rights, in particular as regards the violations found in respect of the right to a fair trial (Article 6 ECHR), as well as implementation of internal systems to prevent other similar violations in future.

In this connection, Section 11 paragraph 6 of the Law provides that the Inter-Departmental Commission is competent to monitor the implementation of the existing system for execution of judgments of the European Court of Human Rights and it is also tasked with recommending measures for its improvement.

With respect to the violations of the right to hearing within reasonable time in civil and criminal procedures and the non-enforcement of final judgments rendered by the Court in civil procedures, the Inter-Departmental Commission is also in charge of monitoring the implementation of the length remedy which was introduced as an effective remedy which should be exhausted by the applicants before the Supreme Court in order to address the existing violations of the right to hearing within reasonable time and award an adequate remedy to the injured party for the damage sustained (compensatory remedy), but also to prevent further prolongation of the impugned procedures by setting a time-limit within which the ongoing procedures should be terminated (acceleratory remedy).

D1. Please indicate the sources for answering questions in this chapter.

Sources: Courts and Ministry of Justice

4.2. Timeframe of proceedings

4.2.1. General information

087. Are there specific procedures for urgent matters as regards:

civil cases

criminal cases

administrative cases

There is no specific procedure

Comments - If yes, please specify: In administrative procedure there are urgent procedure for administrative disputes before Administrative Court in the following fields: elections, public procurements, asylum, contemporary measures and misdemeanor cases in which there is seized items.

There are two urgent special procedures defined in the Law on Civil procedure: procedure in labor disputes and procedure in disputes for disturbance of possession. Namely, in the Article 405 from the Law on Civil Procedure it is defined that in the procedure of labor disputes, and especially when determining the time limits and the hearings, the court will always pay special attention to the need of quick resolving of the labor disputes. In procedures of labor disputes the time limit for response to a complaint is eight days. Also, it is defined that in the labor disputes, which refer to the termination of the employment, the main hearing must be hold within thirty days from the day of the reception of the answer to the complaint. In this procedure, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed. Also, in the procedure of labor disputes the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance.

Regarding the procedure in disputes for disturbance of possession it is important to mentioned that when determining the time limits and the hearings in regard to complaints for disturbance of possession, the court will always pay special attention to the need of a quick resolution according to the nature of each individual case. In this procedure, the time limit for response to a complaint is eight days and the main hearing must be held within thirty days from the day of the reception of the answer to the complaint. Also, in the procedure of disputes for disturbance of possession, the procedure in front of a court of first instance has to be competed within six months from the day the complaint was filed, while the court of second instance is obligated to make a decision upon appeal filed against the decision of the court of first instance within thirty days from the day of the reception of the complaint respectively within two months a hearing is held if in front the court of second instance.

Also, the Bankruptcy procedure is urgent procedure.

In the Law on Juvenile Justice and the Law on Criminal procedure is defined that proceedings with cases connected with juvenilles and detention are urgent.

In criminal procedure there is urgent procedure for detention cases.

088. Are there simplified procedures for:

civil cases (small disputes)

criminal cases (misdemeanour cases)

administrative cases

There is no simplified procedure

Comments - If yes, please specify: In the Law on Civil Procedure, there is special part named: "SEPARATE PROCEDURE" that contains following procedures: procedure in labor disputes, procedure in disputes for disturbance of possession, issuing a payment order, procedure for small claims, procedure for commercial disputes and procedure before selected courts.

The Law on Criminal Procedure contains simplified procedure for criminal offence for which is proscribed sanction of imprisonment up to 5 years.

088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?

civil cases

criminal cases

administrative cases

Comments - If yes, please specify: No

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

Yes

No

Comments - If yes, please specify: This issue is regulated in procedural laws (The Law on Civil Procedure and the Law on Criminal Procedure).

4.2.2. Case flow management – first instance

091. (Modified question) First instance courts: number of other than criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	28209 <input type="checkbox"/> NA <input type="checkbox"/> NAP	74392 <input type="checkbox"/> NA <input type="checkbox"/> NAP	70650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31951 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	17523 <input type="checkbox"/> NA <input type="checkbox"/> NAP	32910 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31320 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19113 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	2643 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31213 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29784 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4072 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	2643 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31176 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29750 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4069 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.2. Registry cases (2.2.1+2.2.2+2.2.3)	0 [] NA [] NAP	37 [] NA [] NAP	34 [] NA [] NAP	3 [] NA [] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.3. Other registry cases	0 [] NA [] NAP	37 [] NA [] NAP	34 [] NA [] NAP	3 [] NA [] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP
3. Administrative law cases	7325 [] NA [] NAP	8223 [] NA [] NAP	7722 [] NA [] NAP	7826 [] NA [] NAP	[X] NA [] NAP
4. Other cases	718 [] NA [] NAP	2046 [] NA [] NAP	1824 [] NA [] NAP	940 [] NA [] NAP	[X] NA [] NAP

Comments There is a decrease of civil litigious cases. The reason of this is that the Bar Association increased lawyers tariff. It reflected to the big difference in the incoming civil litigious cases.

092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:

. In "non-litigious cases" there are included: non-disputable cases and division of property.
In "2.2.3. Other registry cases" there are included cases for registrations of political parties.

093. Please indicate the case categories included in the category "other cases":

. In “other cases” there are included: liquidation and bankruptcy cases.

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
Total of criminal law cases (1+2)	51037 [] NA [] NAP	59887 [] NA [] NAP	75470 [] NA [] NAP	35454 [] NA [] NAP	[X] NA [] NAP

1. Severe criminal cases	5218 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10635 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10502 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5351 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	45819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	49252 <input type="checkbox"/> NA <input type="checkbox"/> NAP	64968 <input type="checkbox"/> NA <input type="checkbox"/> NAP	30103 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": Regarding criminal cases, there is no real decrease even though the numbers show dramatic decrease. This cycle it was possible to exclude one type of procedures previously included in "other criminal cases" that are not real criminal cases but some small activities of the courts in the field of criminal mater. (these activities include: 96782 incoming and 95840 resolved and minimal number of pending cases).

Question 94 does not included cases connected with enforcement of criminal (and misdemeanor) cases.

4.2.3. Case flow management – second instance



097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
Total of other than criminal law cases (1+2+3+4)	7726 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18276 <input type="checkbox"/> NA <input type="checkbox"/> NAP	20157 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5845 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	6994 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15643 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17370 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5267 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Non litigious cases (2.1+2.2+2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

2.2.1. Non litigious land registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.2 Non-litigious business registry cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
2.2.3. Other registry cases	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2.3. Other non-litigious cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
3. Administrative law cases	732 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2633 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2787 <input type="checkbox"/> NA <input type="checkbox"/> NAP	578 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other cases	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Decrease of civil incoming cases may be result of reflection of the same situation in first instance of civil cases. Namely, decision of the Bar Association for increase of lawyers` tariffs. Increase of civil (pending from previous year) cases may be result in solutions in procedural laws which obliges the appellate courts when second time cases come to them not to abolish the case and return to basic courts, than to decide the case finally. That is more complicated and takes more time and very often appellate courts open the public hearings in these type of cases. Same applies to administrative cases.

098. (Modified question) Second instance courts (appeal): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court
Total of criminal law cases (1+2)	2724 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10470 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10301 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2893 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
1. Severe criminal cases	562 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2529 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2679 <input type="checkbox"/> NA <input type="checkbox"/> NAP	412 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
2. Misdemeanour and / or minor criminal cases	2162 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7941 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7622 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2481 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The biggest variation is in the category "severe criminal cases". This category encompasses severe criminal cases for adults, severe criminal cases for minors and criminal cases in organised crime. The decrease in incoming cases for this category is due to the implementation of new Law on criminal procedure that introduce plea bargaining. For these cases that there was agreement between prosecutor and defendant the is no appeal and it results with the decreased numbers of appeals and consequently in the number of incoming cases. Other registry cases is NA because there is no subdivision on the appeals regarding the registry of political parties and other associations and they are included in the total of civil cases.

4.2.4. Case flow management – Supreme Court

099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
Total of other than criminal law cases (1+2+3+4)	1385 [] NA [] NAP	1757 [] NA [] NAP	1704 [] NA [] NAP	1438 [] NA [] NAP	[X] NA [] NAP
1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)	1241 [] NA [] NAP	1272 [] NA [] NAP	1282 [] NA [] NAP	1231 [] NA [] NAP	[X] NA [] NAP
2. Non litigious cases (2.1+2.2+2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2. Registry cases (2.2.1+2.2.2+2.2.3)	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.1. Non litigious land registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.2 Non-litigious business registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.2.3. Other registry cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
2.3. Other non-litigious cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP
3. Administrative law cases	3 [] NA [] NAP	20 [] NA [] NAP	13 [] NA [] NAP	10 [] NA [] NAP	[X] NA [] NAP
4. Other cases	141 [] NA [] NAP	465 [] NA [] NAP	409 [] NA [] NAP	197 [] NA [] NAP	[X] NA [] NAP

Comments Other cases - trial in reasonable time

Decrease of civil incoming cases may be result of reflection of the same situation in first instance of civil cases. Namely, decision of the Bar Association for increase of lawyers` tariffs.

099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

() Yes, please indicate the number of cases closed by this procedure:

(X) No

Comments

100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
Total of criminal law cases (1+2)	341 [] NA [] NAP	625 [] NA [] NAP	590 [] NA [] NAP	376 [] NA [] NAP	[X] NA [] NAP
1. Severe criminal cases	341 [] NA [] NAP	625 [] NA [] NAP	590 [] NA [] NAP	376 [] NA [] NAP	[X] NA [] NAP
2. Misdemeanour and / or minor criminal cases	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[] NA [X] NAP	[X] NA [] NAP

Comments Increase of number of pending cases from previous years may be result of the situation that some vacancy positions for judges in the Supreme Courts were not filled.



4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
Litigious divorce cases	1159 [] NA [] NAP	3053 [] NA [] NAP	3042 [] NA [] NAP	1170 [] NA [] NAP
Employment dismissal cases	1552 [] NA [] NAP	6773 [] NA [] NAP	4860 [] NA [] NAP	3465 [] NA [] NAP
Insolvency	674 [] NA [] NAP	1751 [] NA [] NAP	1600 [] NA [] NAP	825 [] NA [] NAP
Robbery case	1325 [] NA [] NAP	2010 [] NA [] NAP	2179 [] NA [] NAP	1156 [] NA [] NAP
Intentional homicide	53 [] NA [] NAP	46 [] NA [] NAP	56 [] NA [] NAP	43 [] NA [] NAP

Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)	40 [] NA [] NAP	65 [] NA [] NAP	88 [] NA [] NAP	17 [] NA [] NAP
Cases relating to the right of entry and stay for aliens	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Comments The decrease in the categories of criminal cases is not clear. The implementation of new Law on criminal procedure that introduce plea bargaining has an effect on the number of pending cases but not on the incoming considering that the plea bargaining cases are included in court statistics. Statistics on these specific categories are not taken from the central system but collected directly from the courts.

Regarding the insolvency cases, the decrease may be result of permanent actions and improving the legislation in that field.

101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:

. This matter is regulated in the Law on Administrative disputes and the Law on asylum and temporary protection. The procedure for recognizing the right of asylum in first instance (administrative procedure - regular or urgent) is conducted by the Sector for asylum in the Ministry for Interior. Upon the decision of the Sector for asylum, the asylum seeker has a right to initiate administrative dispute to the Administrative Court according to the Law on administrative disputes. On the judgement of Administrative Court asylum seeker has a right for appeal to the High Administrative Court. The initiation of administrative dispute not delay the execution of the decision.

The asylum seeker (article 48), as well as the the persons with acknowledge status (recognized refugee (article 50)) and persons with subsidiary protection (article 58)) have a right of residence on the territory of the Republic of Macedonia. An entry is enable for each forinerg who seeks international protection from the Republic of Macedonia, but the asylum seeker is obliged to submit request for recognizing the right of asylum. Asylum seeker is a foreigner who requests protection from the Republic of Macedonia and have submitted request for recognizing the right of asylum, for which a criminal judgment has not been enacted, in the procedure for recognizing the right of asylum.

102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
Litigious divorce case	13 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP
Employment dismissal case	44 [] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP	[X] NA [] NAP

Insolvency	7					
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Robbery case	41					
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Intentional homicide	66					
	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):

. The Law on civil procedure is applied in divorce cases. In addition to that in the Law on the Family there is special part (five articles) dedicated to divorce of marriage, but it does not contain provisions regarding the court procedure.

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

./

4.2.6. Case flow management – public prosecution



105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):

- to conduct or supervise police investigation
- to conduct investigations
- when necessary, to request investigation measures from the judge
- to charge
- to present the case in court
- to propose a sentence to the judge
- to appeal
- to supervise the enforcement procedure
- to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- other significant powers (please specify):

Comments There was a big reform in the sphere of criminal procedure. With the new Law on criminal Procedure from 2010 (started to be implemented from 2013), public prosecutors are responsible to conduct investigation. Also the above mentioned law introduced plea bargaining.

106. (Modified question) Does the public prosecutor also have a role in:

- civil cases
- administrative cases
- insolvency cases

Comments - If yes, please specify: Public prosecutor has competency to file Request for protection of legality in the procedure for administrative disputes. (Article 49 from Law on Administrative Disputes).

107. Cases processed by the public prosecutor - Total number of first instance criminal cases:

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
Total number of first instance cases processed by the public prosecutor	29384 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10576 <input type="checkbox"/> NA <input type="checkbox"/> NAP	458 <input type="checkbox"/> NA <input type="checkbox"/> NAP	17871 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments The decrease of cases is due to the fact that in 2014 Public Health Insurance Fund submitted enormous number of criminal charges. The biggest number of this cases finished with discontinuation by the prosecutor. Therefore 2014 was exception and in 2016 number of cases decreased.

107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?

	Number of guilty plea procedures
Total	458 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Before the court case	458 <input type="checkbox"/> NA <input type="checkbox"/> NAP
During the court case	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments

108. Total cases which were discontinued by the public prosecutor:

	Number of cases
Total cases which were discontinued by the public prosecutor (1+2+3)	10576 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Discontinued by the public prosecutor because the offender could not be identified	9131 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	1436 [] NA [] NAP
3. Discontinued by the public prosecutor for reasons of opportunity	[X] NA [] NAP

Comments The decrease of cases is due to the fact that in 2014 Public Health Insurance Fund submitted enormous number of criminal charges. The biggest number of this cases finished with discontinuation by the prosecutor. Therefore 2014 was exception and in 2016 number of cases decreased.

109. Do the figures include traffic offence cases?

- (X) Yes
- () No

Comments There are included only this traffic offences that are defined as a criminal offences in the Criminal Code and not these traffic offences defined as misdemeanors.

D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.

Sources: Ministry of Justice
 Judicial Council of the Republic of Macedonia
 Courts
 Public Prosecution Office

5. Career of judges and public prosecutors

5.1. Recruitment and promotion

5.1.1. Recruitment and promotion of judges



110. (Modified question) How are judges recruited?

- [] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [] a combination of both (competitive exam and working experience)
- [X] other (please specify):

Comments Judges in basic courts are elected by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors.

110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?

- () Yes
- (X) No

Comments - If yes, please specify:

111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:

- an authority made up of judges only
 an authority made up of non-judges only
 an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles: The Academy for judges and public prosecutors is responsible for conducting the initial training.

Judges in basic courts are elected by the Judicial Council from the candidates which have finished initial training in the Academy for Judges and public prosecutors. Judges in higher courts are also elected by Judicial Council.

112. Is the same authority (Q111) competent for the promotion of judges?

- Yes
 No

Comments Judges in higher courts are also elected by Judicial Council.

112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?

- Yes
 No

Comments - If yes, please specify:

113. What is the procedure for judges to be promoted? (multiple answers possible)

- Competitive test / Exam
 Other procedure (interview or other)
 No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination): The amendments on the Law on the Courts from 2010 introduced a career system as a means of promotion of judges from a lower to a higher court, through the prescribing of the special conditions for elections of a judge in a basic court, an appellate court, the Administrative Court, the Higher Administrative Court and the Supreme Court of the Republic of Macedonia

That are the following conditions:

- for a judge in a Basic court a person who has completed the initial training in the Academy for Training of Judges and Public Prosecutors shall be elected,
- for a judge in an Appellate court a person may be elected provided that has a working experience of at least four years of uninterrupted judicial length of service as a judge in a Basic court up to the moment of his/her application for an election, who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of

Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law and

- for a judge in the Supreme Court of the Republic of Macedonia a person may be elected provided that he/she has a working experience of at least six year of uninterrupted judicial length of service as a judge in an Appellate court up to the moment of applying for election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law, or a judge in the Administrative Court or the Higher Administrative Court who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law.

The special requirements for election of a judge in the Administrative Court or the Higher Administrative Court are the following:

- for a judge in the Administrative court a person may be elected provided that he/she has a working experience of at least four years uninterrupted judicial length of service as a judge in an Basic court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has five years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law, and

- for a judge in the Higher Administrative court a person may be elected provided that he/she has a working experience of at least three years uninterrupted judicial length of service as a judge in the Administrative court up to the moment of application for an election and who in the past year is graded with the highest positive grade by the Judicial Council of the Republic of Macedonia and has obtained the highest number of points in view of the other candidates that have applied, in accordance to the law or a person that has six years of working length of service in legal issues in a state body with credible working results or a person who is graded with the highest positive grade in the past year, in accordance to the law.

113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):
See comments on previous question

Other criteria - to pass integrity and psychological test

114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?

- Yes

() No

Comments Judges are evaluated by the Judicial Council of the Republic of Macedonia within the period of 2 years. Procedure for evaluation of judges is defined in the Law on Judicial Council of the Republic of Macedonia.

114. If yes, please specify the frequency of this assessment:

- () Annual
- () Less frequent
- (X) More frequent

5.1.2. Status, recruitment and promotion of prosecutors

115. What is the status of prosecution services?

- [] statutory independent
- [] under the authority of the Minister of justice or another central authority
- [X] other (please specify):

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...). In the Macedonian Constitution public prosecutors are defined as "Samostojni". This term is similar to term "independent".

115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.

- (X) Yes
- () No

Comments - If yes, please specify: These guarantees are contained in the Law on Public Prosecution office and the Law on Criminal Procedure.

116. How are public prosecutors recruited?

- [] mainly through a competitive exam (open competition)
- [] mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- [] a combination of both (competitive exam and working experience)
- [X] other (please specify):

Comments According to the Amendments of the Constitution of the Republic of Macedonia adopted in 2005, public prosecutors except Public Prosecutor of the Republic of Macedonia are elected by the Council of public prosecutors. In the new Law on Public Prosecution the public prosecutor can be elected among any person that meets the general terms set by law on employment in a state body, as well as the following conditions Basic Conditions:

- to be a citizen of Republic of Macedonia
- to actively know the Macedonian language
- to have working capacity and general health capacity
- to have a University degree for a law graduate in Republic of Macedonia or a recognized diploma from abroad and - to have the Judicial exam of Republic of Macedonia passed.

For Public Prosecutor of Republic of Macedonia can be appointed a person who meets the above mentioned terms, as well as the following special terms:

- 8 years professional experience in legal matters, after taking the judicial exam, or a

full-time or part-time university professor that has been teaching a law related subject or a judicial practice subject for more than 10 years.

For Public prosecutor in the Public Prosecution of Republic of Macedonia can be elected a person who besides mentioned basic conditions meets the following terms:

- 8 years professional experience in legal matters with acknowledged results, after taking the judicial exam.

For Higher public prosecutor of a Higher Public Prosecution can be elected any person that besides the mentioned basic conditions has professional experience of at least 5 years as a public prosecutor with acknowledged results in the work.

For public prosecutor in a higher Public Prosecution can be elected any person who besides the basic conditions meets the following special terms:

- 5 years professional experience in legal matters with acknowledged results, after taking the judicial exam

For Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and a public prosecutor in the Public Prosecutor's Office for Prosecuting Organized Crime and Corruption can be elected a person that besides the basic conditions has professional experience of at least 4 years as a public prosecutor with acknowledged achievements in the work.

For public prosecutor in a Basic Prosecution can be elected any person who besides basic conditions mentioned above meets the following special terms:

- Completed training at the Academy for training of judges and public prosecutors.

In the Law on Public Prosecution is defined that in the position of the Public prosecutor of Republic of Macedonia, high public prosecutor and in the public prosecution for prosecution of the organised crime and corruption, the council will select a person with confirmed results at work, who has professional and experts qualities who as well enjoys authority in performing his function, based on the following criteria:

1. expertise knowledge in the criminal field, what will be considered specialist studies, postgraduates studies and participation in the continued education,
2. the relation towards the work or the timely manner in the execution of the work as public prosecutor,
3. capability for professional solving of the legal issues,
4. undertaking of additional work during the execution of the function of public prosecutor through the participation in the preparation of the rules, facilitation, education etc.
5. Enjoying and keeping of the authority of public prosecutor and public prosecution's office, that can be confirmed by the communication manner with the parties and other institutions, independence, impartiality and reliability in performance of the function of public prosecutor and outside of the working hours,
6. professional relation with the public prosecution experts service.

Beside the mentioned criteria, the High public prosecutor of the high public prosecution office, Public prosecutor for the prosecution of the organised crime and corruption and the Basic public prosecutor of the basic public prosecution office should possess ability to perform duties of managerial character.

Also it is important to mention that the higher public prosecutors, the Public Prosecutor of the Public Prosecution for Prosecuting Organized Crime and Corruption and the public prosecutors in the Public Prosecution for Prosecuting Organized Crime and Corruption and basic public prosecutors in the Basic Public Prosecution are elected from the ranks of public prosecutors in Republic of Macedonia, abiding by the procedure and manner for electing a public prosecutor in the respective Public Prosecution.

117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of

their career recruited by:

- an authority composed of public prosecutors only
- an authority composed of non-public prosecutors only
- an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles: The Academy for judges and public prosecutors is responsible for conducting the initial training. After finishing initial training, the Council of Public Prosecutors of the Republic of Macedonia is competent body for election of public prosecutors.

117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?

- Yes
- No

Comments - If yes, please specify:

118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?

- Yes
- No, please specify which authority is competent for promoting public prosecutors

Comments The Council of Public Prosecutors of the Republic of Macedonia is competent body for election of all public prosecutors except the Public Prosecutor of the Republic of Macedonia who is elected by the Parliament.

119. What is the procedure for prosecutors to be promoted? (multiple answers possible)

- Competitive test / exam
- Other procedure (interview or other)
- No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam): Election of public prosecutors in higher public prosecutor's offices is regulated in Article 40 from the Law on Council of Public Prosecutors. The Council shall elect a Higher Public Prosecutor at a Higher Public Prosecutor's Office, Public Prosecutor for prosecution of organized crime and corruption, and a Basic Public Prosecutor at a Basic Public Prosecutor's Office from the candidates who have applied from among the elected public prosecutors of the Republic of Macedonia and who meet the requirements and criteria stipulated in the Law on Public Prosecutor's Office. The candidate, who wins the majority of votes from the total number of Council members, shall be elected a Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutor. In case the Public Prosecutor of the Republic of Macedonia, Higher Public Prosecutor, Public Prosecutor for prosecution of organized crime and corruption or Basic Public Prosecutors are not reappointed, they shall continue performing the duties of public prosecutors at the same public prosecutor's office.

119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?

Yes

No

Comments - If yes, please specify:

119-2. Please indicate the criteria used for the promotion of a prosecutor:

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

120. Is there a system of qualitative individual assessment of the public prosecutors' work?

Yes

No

Comments THE LAW ON THE PUBLIC PROSECUTION OFFICE

Article 22

(1)The Public Prosecutor's Council of the Republic of Macedonia shall adopt a Rulebook on the determination of the method of evaluation of the performance by the public prosecutors.

(2)The evaluation referred to in paragraph (1) of this Article, for each and every public prosecutor individually, shall be carried out directly by the higher-level public prosecutor, for a period of every two consecutive years.

(3)The evaluation of the performance of the Basic Public Prosecutor for Prosecution of Organized Crime and Corruption shall be carried out by the Chief Public Prosecutor of the Republic of Macedonia.

(4)The evaluation referred to in paragraph (1) of this Article, shall be delivered to the Public Prosecutor's Council of the Republic of Macedonia.

5.1.3.Mandate and retirement of judges and prosecutors



121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

Yes, please indicate the compulsory retirement age:64

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: All judges in Republic of Macedonia are elected for a life. Retirement age for judges is 64 years.

121-1. Can a judge be transferred (to another court) without his/her consent:

For disciplinary reasons

For organisational reasons

For other reasons (please specify modalities and safeguards):

No

Comments The Law on Courts ensures that a judge cannot be transferred from one to another court or from one to another judicial

department without his consent. However, in accordance with Article 39 of the Law on Courts, the judge may, with the exception be assigned to another court department against his will only by a reasoned decision of the president of the court, and upon previously obtained opinion from the general session of the Supreme Court of the Republic of Macedonia, requires the increased scope and subject of work in the court, but for the longest period of one year. Also, with the exception, the judge of the appellate and the basic court may be temporarily sent, but for the longest period of one year to trial in another court of the same degree or in a lower court or from one specialized department in another, when due to the inability and exclusion of a judge or due to significantly increased workload, reduced diligence or because of the complexity of the cases, the current operation of the court is called into question.

122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?

- Yes, duration of the probation period (in years):
- No
- NAP

Comments

123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?

- Yes, please indicate the compulsory retirement age:64/62
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: Retirement age for male public prosecutors is 64 years, while for female public prosecutors is 62 year with possibility to be extended to 64 years.

124. Is there a probation period for public prosecutors? If yes, how long is this period?

- Yes, duration of the probation period (in years):
- No

Comments

125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?

- Yes, what is the length of the mandate (in years)?
- No

Comments All judges are elected for a life.

126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?

- Yes, what is the length of the mandate (in years)?
- No, what is the length of the mandate (in years)?

Comments NAP. Public Prosecutors are elected for a life.

5.2.Training

5.2.1.Training of judges

127. Types of different trainings offered to judges



	Compulsory	Optional	No training proposed
Initial training (e.g. attend a judicial school, traineeship in the court)	(X) Yes () No	() Yes (X) No	() Yes (X) No
General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for management functions of the court (e.g. court president)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in courts	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

128. Frequency of the in-service training of judges:

	Frequency of the judges training
General in-service training	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for management functions of the court (e.g. court president)	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed
In-service training for the use of computer facilities in courts	[X] Regularly (for example every year) [] Occasional (as needed) [] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges: There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

5.2.2. Training of prosecutors

129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
Initial training	(X) Yes () No	() Yes (X) No	() Yes (X) No

General in-service training	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)	(X) Yes () No	(X) Yes () No	() Yes (X) No
In-service training for management functions in the courts (e.g. Head of prosecution office, manager)	(X) Yes () No	() Yes (X) No	() Yes (X) No
In-service training for the use of computer facilities in office	(X) Yes () No	() Yes (X) No	() Yes (X) No

Comments There are special programs for initial and continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council.

130. Frequency of the in-service training of public prosecutors :

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: There is a two years Program for continuous training of judges and public prosecutors adopted by the Board of the Academy on the proposal of the Program Council of the Academy for judges and public prosecutors. There is a special program for new elected judges and public prosecutors.

131. Do you have public training institutions for judges and / or prosecutors?

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comments Academy for judges and public prosecutors is a institution responsible for conducting the initial and continuous training for

judges and public prosecutors.

131-0. (Modified question) If yes, what is the budget of such institution(s)?

	Budget of the institution for the reference year, in €
One institution for judges	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One institution for prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
One single institution for both judges and prosecutors	638081 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please indicate briefly how these judges and/or prosecutors are trained?

. Judges and prosecutors have initial training in the Academy for judges and prosecutors.

5.3.Practice of the profession

5.3.1.Salaries and benefits of judges and prosecutors

132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	17713 <input type="checkbox"/> NA <input type="checkbox"/> NAP	11781 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1089350 <input type="checkbox"/> NA <input type="checkbox"/> NAP	724531 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	22699 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15057 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1395988 <input type="checkbox"/> NA <input type="checkbox"/> NAP	926005 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	18445 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12340 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1134367 <input type="checkbox"/> NA <input type="checkbox"/> NAP	758910 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	20404 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13705 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1254846 <input type="checkbox"/> NA <input type="checkbox"/> NAP	842857 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments Salaries of judges and public prosecutors are regulated in the Law on salaries for judges and the Law on salaries for public prosecutors.

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Housing	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments In 2015 the Parliament of the Republic of Macedonia adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

134. If “other financial benefit”, please specify:

. In 2015 the Parliament of the Republic of Macedonia adopted amendments on The Law on judge`s salaries and on the Law on public prosecutor`s salaries.

These two laws introduced additional financial benefits for judges and public prosecutors for work under special conditions, work on confidence cases and for security risks.

[] NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Authorization for judges is needed just for teaching and it is issued by the Judicial Council of the Republic of Macedonia.

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. Authorization for prosecutors is needed just for teaching and it is issued by the Council of Public Prosecutors of the Republic of Macedonia.

139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?

Yes

No

Comments - If yes, please specify the conditions and possibly the amounts:

5.4. Disciplinary procedures

5.4.1. Authorities responsible for disciplinary procedures and sanctions

140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?

Court users

Relevant Court or hierarchical superior

High Court / Supreme Court

High Judicial Council

- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):

Other (please specify): Council for Determination of Facts and Initiation of Proceedings for Establishment of Accountability of Judges

- This is not possible

Comments According to the legislation in 2016, competent authority for initiation of disciplinary procedure against judges was the Council for Determination of Facts and Initiation of Proceedings for Establishment of Accountability of Judges. In January 2018 the Parliament adopted the law and dismissed of this body (Council for Determination of Facts and Initiation of Proceedings for Establishment of Accountability of Judges).

141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):

- Citizens
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):
- This is not possible

Comments

142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify):
- Other (please specify):

Comments Judicial Council is competent body to decide on disciplinary liability of judges. On the appeals of the decisions of Judicial Council decides Council established within the Supreme Court composed from judges from different courts.

143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court

- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify):
- Other (please specify):

Comments Public prosecutor of the Republic of Macedonia is competent to decide on disciplinary liability of public prosecutors. On the appeals of the decisions of Public prosecutor of the Republic of Macedonia decides Council of Public Prosecutors.

5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
Total number (1+2+3+4)	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Breach of professional ethics	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
2. Professional inadequacy	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
3. Criminal offence	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
4. Other	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other", please specify:

145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
Total number (total 1 to 9)	1 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP
1. Reprimand	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP	0 <input type="checkbox"/> NA <input type="checkbox"/> NAP

2. Suspension	0 [] NA [] NAP	0 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP	[] NA [X] NAP
4. Fine	[] NA [X] NAP	[] NA [X] NAP
5. Temporary reduction of salary	0 [] NA [] NAP	0 [] NA [] NAP
6. Position downgrade	[] NA [X] NAP	[] NA [X] NAP
7. Transfer to another geographical (court) location	[] NA [X] NAP	[] NA [X] NAP
8. Resignation	0 [] NA [] NAP	0 [] NA [] NAP
9. Other	1 [] NA [] NAP	0 [] NA [] NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. In 2016 1 judge was dismissed. This procedure started in 2015 when Judicial Council decided on dismissal while on the appeal Council in the framework of the Supreme Court make a final decision in 2016.

E3. Please indicate the sources for answering questions 144 and 145:

Sources: Judicial Council
Public Prosecution Office of the Republic of Macedonia

6.Lawyers

6.1.Profession of lawyer

6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[2503]

[] NA

[] NAP

Comments

147. Does this figure include "legal advisors" who cannot represent their clients in court (for

example, some solicitors or in-house counsellors)?

Yes ()

No (X)

Comments

148. Number of legal advisors who cannot represent their clients in court:

[]

[X] NA

[] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Dismissal cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Criminal cases - Defendant	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Criminal cases - Victim	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Administrative cases	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
There is no monopoly	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly: This matter is regulated in procedural laws. According to the Article 71 from the Law on criminal procedure, only a licensed attorney may act as a counsel for the defense.

Law on Civil procedure

Article 81

(1) An authorized representative of the party may be:

- attorney

- person – graduated lawyer who is employed by the party

- blood relative in the straight line, brother, sister or a spouse - if it has full legal capacity

(2) If a person appears as an authorized agent, contrary to the provisions from paragraph (1) of this Article, the court shall pass a decision with which it shall deny that person any further representation and shall inform the party about that.

(3) A separate appeal against the decision from paragraph (2) of this Article shall not be allowed.

Article 82

If value of the case exceeds 1.000.000 denars, the authorized agents of the legal entity

can be the graduate lawyer with the passed bar exam who is employed by the legal entity.

149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:

	First instance	Second instance	Highest instance court (Supreme Court)
Civil society organisation	() Yes (X) No [] NAP	() Yes (X) No [] NAP	() Yes (X) No [] NAP
Family member	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Self-representation	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Trade union	(X) Yes () No [] NAP	(X) Yes () No [] NAP	(X) Yes () No [] NAP
Other	() Yes () No [X] NAP	() Yes () No [X] NAP	() Yes () No [X] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s): See comment in Q149

149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?

- [] Notarial activity
- [X] Arbitration / mediation
- [] Proxy / representation
- [] Property manager
- [] Real estate agent
- [] Other law activities (please specify):

Comments According to the Law on Mediation, among others, mediator can become the person who is a lawyer.

149-2. What are the statuses for exercising the legal profession in court?

- [X] Self-employed lawyer
- [X] Staff lawyer
- [X] In-house lawyer

Comments According to the Article 6 from the Law on the Bar, a lawyers or lawyers associated in lawyer`s company may perform lawyers activities.

150. Is the lawyer profession organised through:

- [X] a national bar association
- [] a regional bar association

a local bar association

Comments According to the Article 33 from the Law on the Bar, lawyers are organised in the Bar Chamber of the Republic of Macedonia. This Chamber is independent.

151. Is there a specific initial training and/or exam to enter the profession of lawyer?

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees: The Bar Exam is one of the conditions to become a lawyer.

152. Is there a mandatory general system for lawyers requiring in-service professional training?

Yes

No

Comments

153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?

Yes

No

Comments - If yes, please specify: There is special exam foreseen for representation in proceedings for protection of intellectual rights and industrial property.

F1. Please indicate the sources for answering questions 146 and 148:

Sources: The Bar Chamber

6.1.2. Practicing the profession

154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?

Yes

No

Comments The Lawyers Tariff is available on the web site of The Bar Chamber. <http://www.mba.org.mk/index.php/mk/akti/advokatska-tarifa>

155. Are lawyers' fees freely negotiated?

Yes

No

Comments According to the Article 1 of the Lawyers Tariff, the lawyer and the party can freely negotiate fees, but not less than that prescribed in the Tariff.

156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No neither laws nor bar association standards provide rules

Comments All lawyers fees are defined in the Lawyers Tariff. For each kind of lawyer`s activity (action) is prescribed different fee.

6.1.3. Quality standards and disciplinary procedures

157. Have quality standards been determined for lawyers?

- Yes
- No

Comments - If yes, what are the quality criteria used?

158. If yes, who is responsible for formulating these quality standards:

- the bar association
- the Parliament
- other (please specify):

Comments

159. Is it possible to file a complaint about:

- the performance of lawyers
- the amount of fees

Comments - Please specify: There are two basic acts of the Bar Chamber in that field: Code of Ethics and secondary legislation regarding the disciplinary procedure for lawyers.

160. Which authority is responsible for disciplinary procedures?

- the judge
- the Ministry of Justice
- a professional authority
- other (please specify):

Comments Responsible organ for disciplinary procedure is Bar Chamber. In the framework of the Bar Chamber there are three main organs responsible for disciplinary procedure: Disciplinary Prosecutor, Disciplinary Court and Appellate Council. Lawyer may initiate administrative dispute before the Administrative Court on the final decision brought by the above mentioned organs.

161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

Number of disciplinary proceedings

Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)	5 [] NA [] NAP
1. Breach of professional ethics	5 [] NA [] NAP
2. Professional inadequacy	0 [] NA [] NAP
3. Criminal offence	0 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify:

162. Sanctions pronounced against lawyers.

	Number of sanctions
Total number of sanctions (1 + 2 + 3 + 4 + 5)	5 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	[] NA [X] NAP
4. Fine	5 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons. The Bar Chamber provide data in Q161 and Q162.

7. Alternative dispute resolutions

7.1. Mediation

7.1.1. Details on mediation procedures and other ADR



163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

(X) Yes

() No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned: Small commercial cases up to 15.000 Euro

According to the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars, the parties are obliged to try to resolve the dispute through mediation before filing a lawsuit in front of the court .

According to the Law on Civil Procedure, if the judge considers that the dispute can be resolved through mediation, he can refer the parties to the mediation process.

164. Please specify, by type of cases, the organisation of judicial mediation:

	Court annexed mediation	Private mediator	Public authority (other than the court)	Judge	Public prosecutor
Civil and commercial cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Family law cases (ex. divorce)	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Administrative cases	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Employment dismissals	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No
Criminal cases	() Yes (X) No	(X) Yes () No	() Yes (X) No	() Yes (X) No	() Yes (X) No

Comments Mediation in the Republic of Macedonia was first introduced by the Law on Mediation in 2006. While in 2013, in order to promote and increase the use of mediation in practice, a new Law on Mediation was adopted. Mediation is allowed in property and legal disputes, family disputes, workplace disputes, trade disputes, consumer disputes, insurance disputes, disputes in the field of education, environmental protection, disputes regarding discrimination and other disputed relations where mediation is appropriate to the nature of the disputed relations and can help to resolve them. Mediation is allowed in criminal cases if its application is not excluded by a special law.

165. Is there a possibility to receive legal aid for judicial mediation procedures?

() Yes

(X) No

Comments - If yes, please specify:

166. Number of accredited or registered mediators who practice judicial mediation:

[26]

[] NA

[] NAP

Comments This difference is due to the changing of system of licencing the mediators and new conditions that mediators have to fulfill.

167. Number of judicial mediation procedures.

	Number of judicial mediation procedures
Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)	137 [] NA [] NAP
1. Civil and commercial cases	137 [] NA [] NAP
2. Family cases	0 [] NA [] NAP
3. Administrative cases	0 [] NA [] NAP
4. Employment dismissal cases	0 [] NA [] NAP
5. Criminal cases	[] NA [X] NAP

Comments - Please indicate the source: The increase in the number of cases is due to the amendments in the Law on Civil Procedure regarding commercial disputes up to 1.000.000,00 denars.
Source of data is Ministry of Justice.

168. Does the legal system provide for the following alternative dispute resolutions (ADR):

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify):

Comments Arbitration

The arbitration is also available in the legal provisions of the Republic of Macedonia, as an alternative measure of judicial procedures in the field of commercial law. As part of the Economic Chamber of the Republic of Macedonia, the Permanent Court of Arbitration is established, where business partners may settle mutual business relations disputes, who in their contracts have foreseen that possibility. The Arbitration in Macedonia exists since 1993, and the list of arbitrators acting in domestic disputes is consisted of 29 arbitrators and 59 arbitrators who can act in disputes with an international element. The value of disputes resolved through arbitration varies from a few thousand to several million Euros. Conciliation

In the Republic of Macedonia there are a significant number of legal grounds that allow friendly settlement of disputes, both before and out-of-court proceedings.

The court settlement

The court settlement is provided in the Law on Litigation Procedure whereby the parties during the course of the whole procedure can settle upon the subject of the dispute. This is one type of judicial mediation. The settlement is concluded on minutes (no court decision) and the parties sign the minutes voluntarily. Although there is no formal court decision, the concluded court settlement is considered res judicata and the parties do not have the possibility to file a dispute again before the court for the same thing. Each party shall bear their own costs when the procedure is completed with a court settlement, if in the settlement is not otherwise agreed.

According to the Law on Criminal Procedure for offences subject to private prosecution, the judge may summon only the private prosecutor and the defendant to a conciliation hearing if he considers it expedient for the prompt termination of proceedings. On the conciliation hearing the judge may propose the private prosecutor and the defendant to be sent to mediation, if it is agreed by both parties, whilst the settlement reached in front of a mediator shall be submitted to the court, who will adopt a decision to terminate the procedure.

G1. Please indicate the source for answering question 166:

Source: Ministry of Justice
Chamber of Mediators of the Republic of Macedonia

8.Enforcement of court decisions

8.1.Execution of decisions in civil matters

8.1.1.Functioning

169. Do you have enforcement agents in your judicial system?

Yes

No

Comments

170. Number of enforcement agents

[98]

[] NA

[] NAP

Comments This number is at the end of 2016

171. Are enforcement agents (multiple options are possible):

judges

bailiffs practising as private professionals under the authority (control) of public authorities

bailiffs working in a public institution

other

Comments - Please specify their status and powers: Persons who perform public authorizations determined by law, out of the Courts, appointed by the minister of justice

according to the provisions of the Law, who decide directly on the actions to be taken, within their authorizations, in order to carry out the enforcement decision and take up the enforcement actions, according to the final enforcement act.

171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: In the Republic of Macedonia the enforcement title can be carried out only by enforcement agent.

171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of immovable properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure from a third party of the debtor claims regarding a sum of money	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of remunerations	(X) Yes with monopole () Yes without monopole () No [] NAP
Seizure of motorised vehicles	(X) Yes with monopole () Yes without monopole () No [] NAP
Eviction measures	(X) Yes with monopole () Yes without monopole () No [] NAP
Enforced sale by public tender of seized properties	(X) Yes with monopole () Yes without monopole () No [] NAP
Other	(X) Yes with monopole () Yes without monopole () No [] NAP

Comments See answer in Q171-3

171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

- [X] Service of judicial and extrajudicial documents
- [X] Debt recovery
- [X] Voluntary sale of moveable or immoveable property at public auction
- [X] Seizure of goods
- [X] Recording and reporting of evidence
- [] Court hearings service
- [] Provision of legal advice
- [] Bankruptcy procedures

- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments In 2016 there were the new legislation introducing the new competence of the enforcement agents (recording and reporting of evidence).

Actions taken by the enforcement agent

Article 40

(1) The enforcement agent shall take the following actions:

- receives enforcement requests,
- delivers court letters based on a court decision in accordance with the provisions of the Law on Civil Procedure,
- delivers orders, minutes, conclusions and other documents that arise from the performance of their work,
- carries out the legitimization of the parties and the participants in the enforcement procedure,
- collects data on the assets and other data for the debtor in function of the enforcement,
- makes orders and conclusions, compile transcripts/ minutes, requests, confirmations and official documents and notes, in accordance with the provisions of this Law,
- carries out inventory, assessment, seizure and sale of movable objects, rights and real estate, receives funds from the debtor, hands it over,
- allocates funds from enforcement,
- sells movable and immovable objects and enforces execution against other property rights in a bankruptcy procedure, at request of the Bankruptcy Trustee, except for the sale of the business enterprise,
- performs seals (sealing) of movables and real estate , due to disabling their use or spending by placing a stamp of the enforcement agent,
- empties facilities from people and goods , and transfers real estate and undertakes other actions that are necessary for implementation of the enforcement procedures, determined by the law,
- publishing in the mass media,
- submits a request for appointment of a guardian for special cases to the Center for Social Affairs, when the address of the debtor is unknown or has no representative,
- submit a request for obtaining data for having a transaction account to the legal entity that maintains the Unified Register of Transaction Accounts, in connection with the subject of enforcement,
- submits a request for announcing the search and stopping of the motor vehicle , a subject to enforcement, to the Ministry of Internal Affairs,
- gives notice of the status of the case at the request of the parties,
- undertakes other actions in connection with the affairs of the court,
- undertake actions for providing material evidence for entrusted work from the court,
- issues a certificate for payment of the claim,
- undertakes actions for out-of-court debt collection and
- undertakes other actions envisaged by the law.

172. Is there a specific initial training or exam to become an enforcement agent?

- Yes
- No

Comments The Exam for enforcement agents is one of the condition to became a enforcement agent.

172-1. Is there a system of mandatory general continuous training for enforcement agents?

Yes

No

Comments According to the article 78 paragraph 1 item d from the Law on Enforcement, The Chamber of Enforcement Agents adopts Program for continuous training and education of enforcement agents and their deputies. In Article 65 paragraph 1 item 2 fro the Law of Enforcement, there is prescribed ground for disciplinary liability if enforcement agent does not fulfill obligation for participating in continuous training and education.

173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):

a national body

a regional body

a local body

NAP

Comments The Chamber of Enforcement Agents is established according to the Article 75 from the Law on Enforcement. The main organs of the Chamber are the Assembly, Steering Board and President of the Camber.

174. Are enforcement fees easily established and transparent for the court users?

Yes

No

Comments The ground and the criteria for the enforcement fees and prescribed in Article 46 from the Law on Enforcement. They are elaborated in more details in secondary legislation (Tariff for enforcement) adopted by the Minister of Justice upon opinion of the Enforcement Chamber.

175. Are enforcement fees freely negotiated?

Yes

No

Comments

176. Do laws provide any rules on enforcement fees (including those freely negotiated)?

Yes

No

Comments The criteria for the enforcement fees and prescribed in Article 46 from the Law on Enforcement.

H0. Please indicate the sources for answering question 170

Source: Ministry of Justice,
Chamber of Enforcement Agents

8.1.2.Efficiency of enforcement services



177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?

Yes

No

Comments According to the Article 54 from the law on Enforcement, Ministry of Justice is competent for conducting the supervision on the work of enforcement agents. According to the Article 78 paragraph 1 item d from the law on Enforcement, Enforcement Chamber establish Commission for conducting the supervision on the work of enforcement agents. According to the Article 86 from the law on Enforcement, parties have right for objection for legality of actions of enforcement agents. Basic court on the area of enforcement is competent to decide on the above mentioned objection.

178. Which authority is responsible for supervising and monitoring enforcement agents?

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify):

Comments Se comments on the Q177

179. Have quality standards been determined for enforcement agents?

Yes

No

Comments - If yes, what are the quality criteria used? The Ministry of Justice established the quality standards through the Law on enforcement and secondary legislation envisaged by the Law. According to the Law on Enforcement, a person who fulfills the following conditions , may be appointed an enforcement agent:

- 1) to be a citizen of the Republic of Macedonia;
- 2) to be able to work and have a general good health condition and ability to work, which is medically proven with a certificate issued by a competent healthcare institution in the field of occupational medicine;
- 3) to be a graduate lawyer with a completed degree of four-year high education in legal studies or to be a law graduate with acquired 300 credits at legal studies, according to the European Credit Transfer System (ECTS);
- 4) to have passed the bar exam;
- 5) to have passed the qualification exam and ranking exam for the contested competition, psychological test and integrity test;
- 6) to have working experience in legal matters at least two years after passing the bar exam;
- 7) to actively master Macedonian language;
- 8) to possess an internationally recognized certificate for knowledge of at least one of the three most commonly used languages of the European Union (English, French, German), issued by an official European tester, a member of the Association of ALTE of European Testers of B1 level, of CEFR ie IELTS with 3.5 - 4.5 points, PET, BEK P, BULATS, or Aptis, or TOEFEL PBT, with at least 450 points, TOEFEL CBT with at least 135 points, or TOEFEL IBT with at least 45 points, or DELF, TCF, TEF, or Goethe Certificate, TestDaF;
- 9) not to be convicted by a final court decision on unconditional punishment of imprisonment for more than six months, or no to be imposed a ban upon the candidate on performing a profession, activity or duty;
- 10) to make a statement before a notary agent that he will provide appropriate equipment and the facility required to perform their affairs and
- 11) to make a statement before a notary agent for his property condition, with all the consequences in case of giving a false statement.

180. If yes, who is responsible for establishing these quality standards?

a professional body

the judge

the Ministry of Justice

other (please specify):

Comments Minister of Justice appoints enforcement agents upon a proposal list made by Chamber of Enforcement Agents.

181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?

Yes

No

Comments - If yes, please specify:

182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?

Yes

No

Comments - If yes, please specify: Party has a right to challenge any enforcement agent action to the court.

The Enforcement agents are obliged to submit quarterly regular reports to the Ministry of justice regarding number of new cases, types of cases, nature of creditors and debtors(natural persons, companies, state bodies etc) number of cases executed, enforcement mechanisms, amount collected etc.

At the same time it is possible for the party or participant in the execution has right to submit complaints for irregularities in execution to the president of the competent court and to submit appeal against decision of the president of the court.

183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.

no execution at all

non execution of court decisions against public authorities

lack of information

excessive length

unlawful practices

insufficient supervision

excessive cost

other (please specify):

Comments

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

Yes

No

Comments - If yes, please specify: Accounts of the public authorities will not be a subject of exemptions anymore.

185. Is there a system measuring the length of enforcement procedures:

	Existence of the system
for civil cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
for administrative cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):

between 1 and 5 days

between 6 and 10 days

between 11 and 30 days

more (please specify):

Comments

187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Number of disciplinary proceedings initiated
Total number of initiated disciplinary proceedings (1+2+3+4)	5 [] NA [] NAP
1. For breach of professional ethics	0 [] NA [] NAP
2. For professional inadequacy	5 [] NA [] NAP
3. For criminal offence	0 [] NA [] NAP
4. Other	0 [] NA [] NAP

Comments - If "other", please specify:

188. Number of sanctions pronounced against enforcement agents:

	Number of sanctions pronounced
Total number of sanctions (1+2+3+4+5)	0 [] NA [] NAP
1. Reprimand	0 [] NA [] NAP
2. Suspension	0 [] NA [] NAP
3. Withdrawal from cases	0 [] NA [] NAP
4. Fine	0 [] NA [] NAP
5. Other	0 [] NA [] NAP

Comments - If “other”, please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons:

H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Ministry of Justice,
Chamber of Enforcement Agents of the Republic of Macedonia

8.2. Execution of decisions in criminal matters

8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify): Public Revenue Bureau

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). With the amendments of the Law on tax procedure from 2010, Public Revenue Bureau is responsible for execution of fines in criminal and misdemeanor cases.

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

9. Notaries

9.1. Profession of notary

9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

	Number of notaries
TOTAL	182 [] NA [] NAP
Private professionals (without control from public authorities)	[] NA [X] NAP
Private professionals under the authority (control) of public authorities	182 [] NA [] NAP
Public agents	[] NA [X] NAP
Other	[] NA [X] NAP

Comments - If "other", please specify the status: The notary is a person who is authorized to perform publicly mandated duties as prescribed by law under the appointment of the Ministry of Justice and who performs the notary service as a sole professional occupation.

192-1. What are the access conditions to the profession of notary:

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments Requirements for the appointment of notaries

Article 10

(1) A person can be appointed notary only if they meet the following conditions:

- a) be a citizen of the Republic of Macedonia;
- b) be professionally competent and enjoy a general medical competence which is

- proven by a certificate of a competent occupational medicine institution;
- c) be a graduate lawyer having completed four-year undergraduate studies of law or a graduate lawyer who has completed 300 credits under the Bologna declaration in studies of law according to the European Credit Transfer System (ECTS);
- d) pass the bar exam;
- e) pass the qualifying notary exam and the exam for ranking notaries in the specific open competition, a psychological exam and an exam on the personal integrity;
- f) have prior working experience of at least two years following the bar exam;
- g) not be convicted by an effective judgment on unconditional sentence of imprisonment of over six months or not be issued a ban on performing the occupation, office or duty;
- h) pledge an oath before a notary that they shall provide the requisite equipment and premises for the performance of the notary service;
- i) pledge before a notary that they are not overly in debt otherwise incur all consequences of perjury;
- j) have active command of the Macedonian language and its Cyrillic alphabet;
- k) possess an internationally recognized certificate for the knowledge of at least one of the three most widely used languages in the European Union (English, French, German) issued by an official European examiner member of the ALTE association of European examiners at a B1 level on the CEFR, or IELTS with 3.5-4.5 points, PET, BEK P, BULATS or APTIS, or TOEFL PBT with at least 450 points, TOEFL CBT with at least 135 points or TOEFL IBT with at least 45 points or DELF, TCF, TEF or Goette certificate, Test DaF, and
- l) not have had the office of judge terminated, or their labour relation as a civil servant, assistant notary, deputy notary, attorney or bailiff by an effective judgment within a disciplinary procedure up to the expiry of three years as of the day of the judgment effectiveness.

192-2. (Modified question) What is the duration of appointment of a notary?

- Limited duration, please indicate it in years:
- Unlimited duration

Comments

194. Do notaries have duties (multiple options possible):

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify):payment orders and legacy procedure

Comments In Article 3, paragraph 2 from the Law on notary, is prescribed that the notary service includes drafting and issuance of public documents regarding legal operations in the form of a notary deed (or act), statements and attestations of facts used as a basis to pledge rights or obligations; adopting decisions within a procedure to issue notary payment orders; attestation of private deeds (solemnization); issuing of certificates, authenticating signatures and marks, transcripts, translations, keeping documents, money and valuables for their transfer to other persons or authorities, as well as performing mandated activities defined by law.

194-1. Do notaries have the monopoly when exercising their profession:

- in civil procedure

in the field of legal advice

to authenticate deeds/certificates

in the field of mediation

other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the competition they have to deal with: other - payment orders and legacy procedure

194-2. As well as these activities, what are the other ones that can be carried out by notaries?

Real estate transaction

Settlement of estates

Legality control of gambling activities

Authentication of documents

Translations

Signatures

Other

Comments The Law on the Notary

Notary instruments and authentications

Article 4

(1) Notary instruments are public deeds which the notary has drafted within their scope of work and official actions enshrined by law such as instruments related to legal affairs and statements drawn by the notary in the form of a notary deed (notary acts), notary payment order, minutes of legal operations and other actions taken by the notary or in their presence (notary minutes), attestations of facts that the notary has attested to personally or through deeds (notary attestations) and certified (solemnized) private deeds.

(2) Notary authentications are authentications of signatures or marks, authentications of identicalness of transcripts or certificates (transcript authentication), authentication of translations and other authentications as prescribed by the law.

(3) The notary deeds, the certified (solemnized) private deeds, the notary payment orders and decisions issued within successions as an entrusted mandate from the court and in cases defined by this law are self-executing.

(4) Notary instruments have the probative effect of public deeds if the required conditions prescribed by this Law have been met during their drafting.

(5) The notary authentications are probative as public deeds when it comes to facts certified by the notary.

195. Is there an authority entrusted with supervising and monitoring the notaries' work?

Yes

No

Comments

196. If yes, which authority is responsible for supervising and monitoring notaries?

a professional body

the judge

the Ministry of Justice

the public prosecutor

the Ministry of Interior

other (please specify):

Comments In Article 130, 131 and 134 paragraph 3 from the Law on notary, is prescribed that supervision is conducted by the representatives from the Ministry of Justice and The Notary Chamber and president of the court (the president of the court makes supervision only in inheritance cases). In the framework of the supervision conducted by the Ministry of Justice, special commission is established by the Minister of Justice, composed by the representatives from the Ministry and judges from the competent court from the area of the notary. In addition to this provision from the law, supervision is also regulated in secondary legislation adopted by the Minister of Justice.

196-1. Is there a system of general continuous training mandatory for all notaries?

Yes

No

Comments In the Law on the Notary, there is a obligation for continuous training and the bridge of this obligation is one of the grounds for disciplinary liability. In the Article 117 paragraph 3 from the Law on Notary, Notary Chamber shall establish Notary Academy.

I1. Please indicate the sources for answering question 192:

Sources: Ministry of Justice,
Notary Chamber of the Republic of Macedonia

10.Court interpreters

10.1.Details on profession of court interpreter

10.1.1.Status of court interpreters

197. Is the title of court interpreters protected?

Yes

No

Comments This title is protected by the Law on Courts. There is a Register of court interpreters. All court interpreters have own stamp and seal.

198. Is the function of court interpreters regulated by legal norms?

Yes

No

Comments The Law on the Courts, Court book of rules and other secondary legislation.

199. Number of accredited or registered court interpreters:

[5276]

[] NA

[] NAP

Comments New system of selection of interpreters with exam was introduced in 2008. According to new system, until the end of 2016, 2115 interpreters have passed exam and they are appointed by the Minister of Justice as court interpreters. The rest of 3161 were appointed before exam was introduced.

200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?

Yes

No

Comments - If yes, please specify: Quality of court interpreting is provided through exams for court interpreters conducted by commission established from the Minister of Justice, composed by the university professors in the field of language teaching.

201. Are the courts responsible for selecting court interpreters?

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters Ministry of Justice

Comments According to the Court book of rules and other secondary legislation, court interpreter can become a person who has passed exam before commission established from the Minister of Justice, composed by the university professors in the field of language teaching. According to the Law on Courts, Court interpreters are appointed by the Minister of Justice.

Basic conditions for passing exam are: candidate to be a citizen of the Republic of Macedonia and to have graduated at some faculty (high education)

J1. Please indicate the sources for answering question 199

Sources: Ministry of Justice

11. Judicial experts

11.1. Profession of judicial expert

11.1.1. Status of judicial experts

202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify):

Comments The area of expert and technical witnesses is regulated by the Law on expert witnesses, relevant secondary legislation and

procedural laws (Law on Criminal Procedure and law on Civil procedure).

The expertise activity is regulated by the Law on Expert Evidence (Official Gazette of the Republic of Macedonia, No.115/10, 12/14 and 43/14). This Law stipulates who can perform expertise activity, as well as the conditions under which a person can obtain a license for expertise in the relevant field. The Law on Expert Evidence envisages categories of persons who, meeting the relevant requirements set by the Law on Expert Evidence, can obtain a license for expertise in the relevant area without taking the professional exam by submitting an application and appropriate documentation as evidence of meeting the legal requirements to the Ministry of Justice. In addition, according to Article 20 of the Law, the persons who can acquire a license without taking the professional exam are: Doctor of Science from the appropriate scientific field or third cycle of university studies - doctoral studies in the appropriate scientific field, Master of Science from the appropriate scientific field and the person who has passed the specialist medical examination or second cycle of university studies - Master of appropriate scientific field with five years work experience after completing the master's degree or passing the specialist examination, a person who has higher or secondary education with a registered craft from the relevant field (goldsmith and an employee of the authority of the state administration and professional institution responsible for performing expertise, who has at least five years experience in the relevant field of expertise). In addition to these persons, the Law provides for obtaining license for expertise in the relevant field by passing the professional exam, whereby, in accordance with Article 9 of the Law, any interested party is required to fulfill the following requirements: to be a citizen of the Republic of Macedonia, to have a residence in the Republic of Macedonia, to have a university degree in the relevant field (four-year university degree or degree with 300 credits according to the European Credit Transfer System (ECTS), prohibition to practice profession, activity or duty has not been pronounced, with effective decision, while the consequences of the prohibition are in progress and to have at least five years of work experience after graduation in the relevant area for which the application for taking the exam was submitted.

202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) According to Article 22, paragraph 1 of the Law on Expert Evidence "the issued, revoked and extended licenses of the experts, as well as the expired licenses, shall be recorded in the Register kept by the Ministry of Justice". According to paragraph 2 of the same article, "The Register of paragraph 1 shall be published on the website and on the notice board of the Ministry of Justice, the website of the Chamber of Experts and shall be submitted to the courts in the Republic of Macedonia". With the publication of the Register of Experts on 25.07.2014 on the website of the Ministry, on the website of the Chamber of Experts and its submission to all courts in the Republic of Macedonia, expertise can be performed only by persons who are licensed by the Ministry of Justice and are recorded in the Register of Experts. Because the Register is kept in electronic form, all changes are electronically recorded in it, including updating the Register also in terms of people who will obtain the license for expertise in the relevant area issued by the Ministry of Justice.

203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: According to the Law on expert witnesses there are two categories of candidates for expert witnesses. First category obtain licence without taking examination, upon submitted request and appropriate documentation (Ph D or Master of Science and 5 year of work experience in relevant area). Second category of candidates can obtain licence after passing theoretical and practical exam. The Minister of Justice issues licences for all expert witnesses in the Republic of Macedonia.

203-1. Does the expert have an obligation of training?

Obligation of training

Initial training	() Yes (X) No
Continuous training	(X) Yes () No

Comments According to the amendments to the Law on Expert Evidence (Official Gazette of the Republic of Macedonia, No. 12/14) the professional exam is conducted electronically.

203-2. If yes, does this training concern:

- [X] the proceeding
- [X] the profession of expert
- [X] other

Comments

204. Is the function of judicial experts regulated by legal norms?

- (X) Yes
- () No

Comments The expertise activity is regulated by the Law on Expert Evidence (Official Gazette of the Republic of Macedonia, No.115/10, 12/14 and 43/14).

204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?

- (X) Yes
- () No

Comments The Law on Civil Procedure
Article 239

- (1) An expert witness may be dismissed for the same reasons a judge or a lay judge may be recused, but a person who was previously interrogated as a witness may also be taken as an expert witness.
- (2) The party is obligated to submit a proposal for the exemption of an expert witness immediately after it learns of the reason for exemption exists, and at the latest before the start of the disclosure of evidence by means of expertise. If the court has interrogated the party about the personality of the expert witness prior to appointing expert witness, the party is obligated to declare itself about the exemption at that time.
- (3) In the request for exemption of an expert witness, the party is obligated to state the circumstances which present the grounds for the requested exemption.
- (4) The court decides on the request for exemption. The judge of the plea court and the president of the council decide on the exemption, if they are entrusted with the disclosure of evidence by means of expertise.
- (5) An appeal against the decision by which the request for exemption is accepted is not allowed, and a separate appeal is not allowed against the decision with which the request is refused.
- (6) If the party learns of grounds for an exemption after the expertise was performed and for that reason objects the expertise, the court will act as if the request for exemption was presented before the performed expertise.

The Law on Criminal Procedure
Article 38

Exclusion of public prosecutors and other participants in the procedure

(1)The exclusion provisions for judges and lay judges shall also be equally applicable for the public prosecutors, with the exception of the grounds as referred to in Article 33, paragraph 1, items 4 and 5 of this Law.

(2)The exclusion provisions for judges and lay judges shall be equally applicable for the record keepers, interpreters or translators and other professional staff, as well as for the expert witnesses, unless there are other provisions referring to them (Article 238 of this Law).

(3)The public prosecutor in charge of the public prosecution office shall rule on the motions for exclusion of the public prosecutors from that public prosecution office. The public prosecutor in charge of the immediate higher public prosecution office shall rule on the motions for exclusion of public prosecutors in charge of the lower public prosecution offices.

(4)The entity that conducts the procedure shall rule on any motions for exclusion of record keepers, interpreters or translators and expert witnesses.

Article 238

Exclusion of an expert

(1)A person who may not be heard as a witness (Article 213 of this Law) shall not be commissioned as an expert, or a person who has been relieved of the duty to testify (Article 214), as well as a person against whom the criminal offense was committed, and if such person has been commissioned, the court decision may not be founded on his or her finding and opinion.

(2)There would be a reason to exclude an expert also if that is a person who is working together with the defendant or the injured party in the same entity or other legal person, as well as if the person is working for the injured party or the defendant.

(3)A person, who has been heard as a witness, may not be commissioned as an expert.

(4)If a separate appeal against the decision to overrule the motion for exclusion of the expert is allowed (Article 36, paragraph 7), the appeal shall delay the preparation of the expert's report, unless there is a danger of procrastination.

205. Number of accredited or registered judicial / technical experts:

[1171]

[] NA

[] NAP

Comments Presented data are from December 2017

205-1. Who sets the expert remuneration?

- It is regulated by secondary legislation adopted by the Minister of Justice.

206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?

(X) Yes

() No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: According to the 245 from the aw on Civil Procedure, expert witness shall submit to the court his expert testimony and opinion in writing, within the time limit determined by the court, which can not be longer than 45 days or 60 days for more complex cases.

207. Are the courts responsible for selecting judicial experts?

[] Yes, for recruitment and/or appointment for a specific term of office

[] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[X] No, please specify which authority selects judicial experts

Comments The Minister of Justice issues licences for all expert witnesses in the Republic of Macedonia. But they are recruited and

appointed after passing exam before competent commission or fulfilling some conditions prescribed in the law.

207-1. Does the judge control the progress of investigations?

() Yes

(X) No

Comments The judge control the legality of actions and not the progress of investigation. Namely, according to the law on Criminal Procedure, a judge of the preliminary procedure shall be a judge who, during the preliminary procedure, decides on the defendant's freedoms and rights as provided for in the Constitution of the Republic of Macedonia, in the laws and international agreements that have been ratified in accordance with the Constitution of the Republic of Macedonia and on other issues prescribed in this Law.

The Law on Criminal procedure

Article 290

Judicial control of legality (1)Any person who believes that his or her rights have been violated by any of the actions taken, within a period of 8 days after he or she learned about that action, may file a complaint with the preliminary procedure judge, who shall be obliged, with a decision, to rule on the legality of the action or measure, which shall not limit the person's right to press criminal charges and the right to effectuate his or her legal protection through other means.

(2)Following the examination of the legality of these actions taken, the preliminary procedure judge shall enact a decision, which shall be delivered to the public prosecutor and the applicant. An appeal shall be allowed against this decision with the Chamber as referred to in Article 25, paragraph 5 of this Law, which shall be obliged to rule on the appeal in a period of 3 days.

K1. Please indicate the sources for answering question 205

Sources: Ministry of Justice (Register of expert witnesses) - Presented data are from December 2017

12.Reforms in judiciary

12.1.Foreseen reforms

12.1.1.Reforms

208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:

1. (Comprehensive) reform plans In November 2017 the Government of the Republic of Macedonia adopted the Strategy for the reform of judicial sector. The new Strategy gives instructions, directions for improving the judicial system by overcoming the existing normative and institutional deficiencies permeating throughout the system, but above all, takes into account the main issue with the interference of the executive power and the partisanship as causes of the regression and dysfunctionality of the judicial sector. The Strategy should represent a roadmap to ensure all the preconditions within its competence to create an independent, impartial, efficient, high-quality and transparent judiciary responsible for the protection of individual rights and freedoms of citizens while protecting the public interest. On the other hand, the Strategy sets out guidelines for creating legal conditions, as well as an environment for the judiciary to properly apply the principle of liability in its work. The Strategy has several main objectives, which represent unity and presuppose the phased overcoming of the weaknesses identified in the judiciary, its placement on the track of European and international standards and its stable functioning as the main pillar of the democratic state of the rule of law.

- Establishment of the principle of the rule of law as a top political and legal principle in regulating the relations among the three

holders of power, with due respect to the autonomy, independence and integrity of the judicial power;

- Removal from the legal order of the laws threatening the autonomy, independence and impartiality of the judges and the autonomy of the public prosecutor's office;
- Removal from the legal order and modification of the legal decisions that block the exercise of the judicial control function over the legality of the conduct of the executive power and the state administration;
- Re-examination of the functioning of certain institutions, in particular the Judicial Council and the Council of Public Prosecutors, whose constitutional and legal competence are the guarantees for ensuring the independence and efficiency of the judiciary and the public prosecutor's office;
- De-professionalisation and setup of criteria and procedure for liability of the members of the Judicial Council and the Council of Public Prosecutors;
- Reform of the administrative judiciary for the purpose of efficient realisation of its function of control over the acts of the executive power and the state administration; - Strengthening of the functioning of the SPPO as an autonomous institution within the PPO in dealing with offences within its competence and prosecution of high-profile corruption criminal offences "white collar crime";
- Re-examination of the judicial system and the public prosecution system from the aspect of the network and the competence of the institutions, their personnel and material capabilities;
- Creation of financial, personnel, information and other preconditions, with urgent increases in budgetary investments, in order to increase the efficiency of the judiciary and the public prosecutor's office.
- Re-examination of the system for evaluation of the quality and efficiency of the work of judges and public prosecutors;
- Simplification of the access to justice by strengthening mediation, reviewing free legal aid, court fees, attorneys' fees and costs for enforcement of judgments;
- Extension of the functions of the judicial and public prosecution information system;
- Reinforcement of the system of continuous education of judges, court associates, public prosecutors and their associates and attorneys;
- Reinforcement of the mechanisms of transparency, accountability and liability of judges and public prosecutors through the system of self-regulation of their professional associations;
- Europeanisation of the judiciary and the public prosecutor's office through the introduction of European institutional and procedural legal, managerial and other standards in the functioning of the judiciary, public prosecutor's office and the attorneyship; preparation of judges and public prosecutors for their functioning in the single European area of justice and for the consistent application of the European Convention on Human Rights and other international conventions on human rights and freedoms, harmonisation of the substantive and procedural laws with EU law and harmonisation with the laws of the EU Member States.

2. Budget In the Strategy there are defined set of measures in the field of the budgeting the judiciary. An active stakeholder in the independence of each institution, hence the judiciary, is the financial autonomy. The Association of Judges has serious reactions and remarks on this part of judicial independence and has continuously been proposing measures to improve the situation. The independence of the judiciary may be guaranteed, among other things, with improved organisation and management of financial, personnel, information and other resources for the efficient operation of the court service and court personnel. The main role in achieving this strategic goal belongs to the Judicial Budget Council, which in order to implement this role consistently needs to show increased activity in the planning and adoption of the court budget before the competent bodies (presence of the President of JBC at the thematic sessions of the Government the Republic of Macedonia and the Assembly of the Republic of Macedonia, providing argumentative explanations for the required amount and allocation of the court budget). Furthermore, it is necessary for the JBC to consistently use all legal mechanisms that, in accordance with the existing legislation, are at disposal for the realisation of the basic goal for which it was created.

According to the Strategy, one of key priorities is creation of financial, personnel, information and other preconditions, with urgent increases in budgetary investments, in order to increase the efficiency of the judiciary and the public prosecutor's office.

Another measure is directed through future development of an autonomous and sustainable court budget, consistent with the legal

allocation from the gross national income, with greater participation of the JCB for the realisation of this guideline. Improvement of the conditions for the work of the judges by providing adequate space, technical equipment and indispensable office materials is also from the crucial importance.

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) 1. Efficiency

Current state

The rate of decided cases in most courts is 100%, which means they are able to master the influx of new cases throughout the year. For several years now, undecided court cases have not been a significant problem. For certain number of old cases that have not yet been decided, the Judicial Council, in cooperation with the presidents of the courts, has adopted a Strategy for their adjudication by projection and proposed measures to overcome the situation.

In 2016, the budgets of courts and prosecutor's offices were significantly lower than the European average per capita, while the number of judges and court staff per 100,000 inhabitants was significantly higher than the European average. Although the number of judges per capita is an important criterion for measuring the results of the work of the courts, the efficiency is also dependent on the status of the court administration. The fact that only 14.5% of the court administrators are expert associates is a concern. There are no appropriate criteria for the election and accountability of court administrators. In addition, the principle of equitable representation of the members of the communities in the Republic of Macedonia who are not the majority, especially the smaller ones, is not consistently applied.

Absence of capacities for strategic planning, budgetary and financial management and insufficiently developed capacities of expert services is observed in the judiciary and the Public Prosecutor's Office.

The lack of practice for the full disclosure of all judgments began to be overcome by the complete putting into operation of the new centralised portal www.sud.mk, which covers the Judicial Council of RM and all 34 courts on the territory of the Republic of Macedonia. In this way, a functional court database with a search function is provided.

The expert opinion system greatly influences the efficiency and quality of court proceedings. There have been ample criticisms concerning the current way of organisation and operation of this system as a result of which it will be reviewed. The legislative changes will take place in the direction of abandoning the role of the state (the Ministry of Justice) as a stakeholder in the judicial expertise system in order to ensure equal treatment of all entities related to the expert opinion on the market. This amendment will prevent the existence of unfair competition in the field of expert opinion and will overcome the problem of disregarding the principle of "equality of arms" and the impartiality of the expert opinion.

Strategic Guidelines

- Monitor judicial efficiency using the indicators defined in EU Justice Scoreboard (result list), CEPEJ and other international standards;
- Consistent implementation of the Action Plan for adjudicating the old cases and regular monitoring of the situation. Introduction of special tools for identifying and prioritising cases that could lead to violation of the principle of a trial within a reasonable time.
- Harmonise the number of judges in RM with the European average per capita through the natural drain of judges;
- Reinforce the capacities of the judicial and public prosecutorial service;
- Full functionality of the court database (www.sud.mk);
- Review the system of expert opinion through legal amendments.

2. Transparency

Current state

Various relevant international reports note the lack of transparency in the work of the Judicial Council and the Council of Public Prosecutors with regard to content of the reasonings for their decisions. A problem for the consistent application of the principle of transparency and inclusion of the public in the work of the judiciary is the lack of an efficient system of collection, processing and analysis of statistics for the work of the courts. The methodology for court statistics is not applied in practice because the software for

collecting, processing and analysing the statistical data for the work in the judiciary is dysfunctional. This situation will be able to be overcome through the development and efficient management of the system for collecting, processing and analysing statistical data on the work of the courts and public prosecutor's offices by the new aforementioned organisational units within the JCRM and the CPPRM.

This system, already established in the JCRM, needs to become functional through the setup of a separate organisational unit within the JCRM with broad powers to manage the mentioned data records, analyse them, and regularly inform the members of the JCRM, the Supreme Court of RM and the Ministry of Justice on the identified conditions and proposed solutions. This system of collecting, processing and analysing statistical data on the work of the public prosecutor's offices should be established also in a separate organisational unit within the CPPRM. At the same time, statistics should be available to the interested public. The different levels of access to the database that will be run by the specialised unit should be provided by the State Statistical Office, the Supreme Court of RM, the Ministry of Justice and all lower courts in RM.

Furthermore, critical remarks may be addressed regarding the underdeveloped internal channels related to PR policy and communication between judiciary management bodies as well as the lack of multiple official channels and capacity of the courts/public prosecutor's office to communicate effectively with the legislative power and other government branches with regard to the most strategic and operational issues. In the past period all courts appointed persons responsible for public relations, while professionals were hired as PR persons – spokesmen in the Courts of First Instance Skopje 1 and 2, the Supreme Court, the Judicial Council of the Republic of Macedonia and the Public Prosecutor's Office of the Republic of Macedonia. However, this measure is evidently insufficient in maintaining consistent transparency in the work of the courts. The form of the annual reports on the work of the courts, the Judicial Council and the Supreme Court is inconsistent, thus creating problems regarding clarity, comprehensibility and legibility of the reports especially in the part with statistics due to the non-synchronised data. The same remark also refers to the incompatibility of the reports on the work of the public prosecutor's offices, the Public Prosecutor's Office of the Republic of Macedonia and the Council of Public Prosecutors.

Strengthened transparency in the work of the judiciary and public prosecutor's office will also be ensured through the public's access to the Ministry of Justice reports on the carried out controls of the functioning of ACMIS and the system for allocation and management of cases in the public prosecutor's office and the reports on the supervision over the application of the Court Rules of Procedure.

Strategic Guidelines

- Strengthen the transparency of the Judicial Council and the Council of Public Prosecutors;
- Collection, processing and analysis of statistical data on the work of courts and public prosecutor's offices in JCRM and CPPRM;
- Strengthen the capacities for public relations;
- Align the form of the annual reports of courts, public prosecutor's offices, JCRM, and CPPRM; •Publication of the reports on the conducted regular controls of the functioning of ACMIS and the system for allocation and management of cases in the PPO.

3.1. Access to justice and legal aid In the Strategy, one of the key issues is free legal aid.

Current State

The determination of the Republic of Macedonia to become a full member of the EU imposes the obligation to regulate the legal aid system in accordance with the EU legal framework and standards in this area.

The Law on Free Legal Aid was adopted in 2009, while its application started in 2010, when three basic problems were detected: 1) insufficient accessibility for the most vulnerable categories, including children at risk (due to poor implementation); 2) restrictive criteria for identifying qualified parties that may provide legal aid; 3) enormously high costs paid out to a small number out of the total number of registered attorneys who provide legal aid. The existing system, apart from attorneys, consists of less than 30 regionally located legal professionals of the MoJ and legal professionals supported by 7 civil society organisations who mobilise the community throughout the country and are involved in the mediation process, providing free legal aid. The number of submitted FLA applications remains relatively low. The percentage of approved FLA applications is below 50% of the total number of applications submitted. While the budget of RM for free legal aid for years now has been MKD 3,000,000 (EUR50,000) making it one of the most modest

budgets in Europe, the average legal aid costs per case in RM are the highest in Europe. The system for legal aid in criminal cases is regulated with the Criminal Procedure Code and is implemented by the judiciary. In practice, however, since the courts do not have funds in this budget line, they cover the costs from the general budget line of the court for contracts and services.

The situation in the free legal aid system years back has been marked with insufficient funds in the free legal aid system in absolute and relative context in relation to the comparative European standards and lack of a holistic approach in linking the functions and the allocation of the roles of various actors from the government and non-government sector within the legal aid system.

Strategic Guidelines

- Effective, efficient, and sustainable FLA system by adopting a new Law on Free Legal Aid:
 - to extend the scope of FLA beneficiaries;
 - to strengthen the capacities of the MoJ Regional Offices;
 - to increase the scope of FLA providers;
 - to extend the FLA areas excluding the criminal area which will be regulated by the CPC; - to optimise the legal fees for FLA;
 - to extend the costs related to FLA;
 - to monitor the quality of the work of the FLA providers.
- Improvement of the funding of the legal aid system by bringing it closer to the CEPEJ average value in terms of the GDP in the country
- Cooperation among all stakeholders in the FLA system
- FLA awareness-raising

4. High Judicial Council Strategy for the reform of judicial sector contains a part dedicated to Judicial Council:

4.1.2. Judicial Council of the Republic of Macedonia

The applicable Law on the Judicial Council prescribes for 8 members of the Judicial

Council to be elected in direct elections by judges, 5 members from among the distinguished jurists upon the proposal of the President of the State and the Assembly of RM, the President of the Supreme Court and the Minister of Justice. What has been identified is the need to change the terms and criteria for the election of the members of the Judicial Council in order to specify the notion “distinguished jurist” as previously noted in one of the strategic guidelines in this Strategy. Furthermore, it is necessary to foresee the participation of the President of the Supreme Court in the work of the Judicial Council without the right to vote, same as for the Minister of Justice. In addition, in order to prevent the interruption of the connection between a member of the JS from the ranks of the judges and the "judicial profession", it is necessary for the members of the Judicial Council from among the judges to provide a legal basis to continue to perform their primary function, that is, to continue to adjudicate but with reduced workload (deprofessionalisation of the Judicial Council). The same solution should be applied also to the other members of the Judicial Council, with the exception of its President.

While some efforts have been made by the Judicial Council to improve transparency, especially by regularly updating its website and allowing journalists and civil society organisations to attend their sessions, it has been noted that there is a lack of clear procedures for the public and the accessibility of the work of the Council. Hence, it is necessary to publicly post all decisions made by the Council in particular regarding election, promotion, evaluation, disciplinary liability, dismissal of judges, analyses, conclusions, reports and announcements for all Council activities on the web portal.

In 2015, in order to separate the stages of the proceedings for disciplinary liability of judges (initiating the procedure, conducting an investigation and deciding on disciplinary liability of a judge), a new body was established, that is, the Council for Establishment of Facts and Initiation of a Disciplinary Procedure, tasked to act as an investigative body upon petitions and complaints against judges. However, such a Council established as a new institution does not guarantee better management of the courts. According to the recommendations of the Venice Commission, it is planned to completely abolish the Law on

the CEF and to return into force the initiation of disciplinary procedure for the members of the Judicial Council, thereby stipulating that the members who were involved in the initiation of the disciplinary procedure and "investigators" shall not participate in the process of ruling in the specific disciplinary case as "judges".

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. 1. Judges and prosecutors- Strategic Guidelines

- Establishment of legal criteria for (non)election of graduates from the AJPP by the JCRM and the CPPRM. Stipulation of a legal obligation for the JCRM and the CPPRM for consistent respect for the timetable of the lists submitted by the Academy in the election of judges/public prosecutors. Compulsory explanation and public announcement of the decision on the election/non-election of a candidate from the list. Decisions of the Judicial Council and the Council of Public Prosecutors for the election of judges and public prosecutors should be explained in detail and reasoned and publicly announced.
- The members of the Judicial Council and the Council of Public Prosecutors need to be elected from among the most experienced judges and public prosecutors who at least meet the requirement for performing the office of a judge and a public prosecutor in the courts of Appeal, that is, higher prosecutor's offices.
- The condition "distinguished jurist" in the CRM for the election of the members of the Judicial Council and the Council of Public Prosecutors on a proposal by the Assembly of RM and the President of RM should be legally specified and include criteria for the length of work experience, matters they have professionally dealt with, acquired certificates, awards, published professional and scholarly papers, etc. These members who will meet the stated conditions should not be from among the judges.
- Establishment of a legal framework for annulment of the measures and legal consequences from the lustration process.
- Proper functioning of the system for the allocation of court cases (ACMIS) by conducting regular control and audit on its functioning in order to prevent any abuses of the system.
- Autonomous and sustainable court budget, consistent with the legal allocation from the gross national income, with greater participation of the JCB for the realisation of this guideline. Improvement of the conditions for the work of the judges by providing adequate space, technical equipment and indispensable office materials.

Liability of judges and prosecutors - Strategic Guidelines

- Legal criteria and procedure for determining liability of the members of the Judicial Council and the Council of Public Prosecutors.
- Functional and transparent mechanisms for liability of judges and public prosecutors, establishment of objective and measurable criteria for the establishment of liability of judges and public prosecutors, pluralisation of sanctions, dismissal only for more severe and continuous disciplinary breaches.
- Functional and transparent mechanisms for liability of public prosecutors.
- Setting up an organisational unit within the Public Prosecutor's Office and the Ombudsman's Office for monitoring and disclosing cases of overstepping and abuse of the official powers of the police.
- Building culture and awareness of one's own personal and institutional liability in the work of the judiciary and the public prosecutor's office.
- Legal basis for adopting a Code of Judicial Ethics.
- Establishment of the advisory body in accordance with the new Code of Judicial Ethics.

2. Lawyers - Strategic Guidelines

- The Bar to open law offices for the provision of free legal aid in the region of every court in RM;

- Improvement of the cooperation between the MoJ and the BRM in connection with the content and practical application of the legal fees, in order to improve access to justice in accordance with the objectives of this Strategy.

- Analysis of the existing legal position and work of the attorneyship and commence its reform in accordance with the reforms in other segments of the justice sector.

3. Notaries - Strategic Guidelines

- Strengthen the professional capacities of the notaryship and increase the efficiency of their work;

- Restore the notary act in accordance with the principles of the Latin notaryship;

- Monitor the results and quality of notaryship.

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities 1. Criminal law

The frequent and numerous amendments to the Criminal Code and especially the large number of extra-criminal regulations have led to the loss of sense of codification of all criminal offences in the Criminal Code. These phenomena have caused problems at several levels: first, in the stipulation of criminal offences, deviating from the principles and nomotechnics contained in the Criminal Code, and second, in creating difficulties for judges, public prosecutors and other competent entities in the application of the provisions regulating the criminal offences in other laws, bearing in mind their confusion and non-compliance with the Criminal Code. At the same time, what is noted is non-compliance of the prescribed penalties with the severity of the criminal offence, that is, the protected good. The need for harmonisation of the penal law with the latest EU directives has also been noted.

The identified circumstances call for the need for adoption of a new Criminal Code which, apart from the abovementioned contents, may introduce an additional criminal sentence – prohibition to perform any legal profession – for judges sentenced with an effective court decision for a criminal offence related to the misuse of the juridical office.

Such a prohibition should be provided for as a condition for the election of a judge also in the Law on Courts.

The Criminal Procedure Code was adopted in 2010 and started to be implemented on 1 December 2013. It changed the system of criminal justice with an emphasised role of the Public Prosecutor's Office with regard to the preliminary proceedings, stipulated the establishment of investigative centres within the PPO, introduced a separate stage for assessment of the act of indictment, changed the concept of the main hearing, redefined the procedural role and powers of the court, the parties and the defence attorney, and the concept of settlement regarding the criminal sanction was also accepted.

2. Civil matters

The comprehensive reform of the civil law system in the Republic of Macedonia started in 2011 with the initiation of a codification of the civil law in order to improve the quality of civil law regulation, as well as to overcome the legal gaps currently faced by legal practitioners in the application of civil legal norms. The reform is planned to be implemented in four civil law areas: real right legal relations, obligation relations, inheritance legal relations and family legal relations. The regulation of three areas of the civil law matter is at advanced stage of preparation aligned with the latest European legislation covering these areas, as well as the trends of modern legal systems. Considering the longstanding application of the Law on Ownership and Other Real Rights adopted in 2001 and the need for its harmonisation with the other regulations dealing with the real right legal relations, it is planned to draft a new Law on Ownership and Other Real Rights. Once it is estimated that there is an established system of functional civil law norms, the codification of the entire civil law matter will commence.

The high amounts of damages for defamation and insult against journalists and public

officials will be reduced to symbolic amounts.

Regarding the procedural laws, the reform was made with the adoption of the new Civil Procedure Act(CPA) in 2005 and the amendments in 2010 and 2015. The CPA has contributed to significantly shorten the length of the proceedings and reduce the huge workload of the courts by exempting them from handling payment orders and inheritance proceedings which had burdened the judicial system for many years. However, the practical application of some of the new provisions, especially those related to cross-examination, compulsory expertise upon filing a lawsuit, etc. indicates the need to review these provisions by organising public discussions and debates with the involvement of scholars and experts.

The Law on Expertise was adopted in 2009. However, due to the perceived problems in the application of certain norms of the existing legal solution, especially in the part of entering the profession of an expert by passing the electronic exam for experts, and the structure of the electronic examination, the entry into the profession has been significantly impeded.

Therefore, the existing legal regulations will be amended.

7. Enforcement of court decisions Strategic Guidelines

- Strengthen the professional capacities of the enforcement agents, simplification of the enforcement procedure, enforcement costs reduction, appropriate design of the exam for enforcement agents and the manner of taking the examination.
- Continuous monitoring of the enforcement effects and the quality of work of the enforcement agents.

8. Mediation and other ADR Strategic guidelines

- Improve the concept of mediation through legislative changes in the part of the exam for mediators in order to review the exam for mediators, to take into account the necessary competences and skills that they should possess; introduction of electronic service in mediation, harmonisation of the keeping of registries for mediation proceedings being kept by the Ministry of Justice and the mediators;
- Frequent use of mediation by public authorities by facilitating assumptions and encouraging public authorities to resolve mutual disputes through mediation;
- Stimulate the application of mediation in court proceedings in the implementation of the Law on Justice for Children, litigation proceedings against journalists for defamation and insult, consumer disputes, insurance disputes;
- Promote the benefits of mediation for raising awareness, in accordance with the European Commission Directive 2008 on Mediation in Civil and Commercial Disputes and the Directive on Mediation in Consumer Disputes.

9. Fight against crime Main issue in that field is part of the Strategy defining the measures in relation to the future status of the Special Public Prosecution Office. Namely, according to the Strategy, due to the existing legal solution regarding the mandate of the Public Prosecutor's Office for Prosecuting Criminal Offences Related to and Arising from the Content of the Unlawful Monitoring of

Communications, taking into account the number and complexity of the cases under the competence of this prosecutor's office, it is necessary to create legal preconditions to ensure continuation of its work. It should be done with a new Law on the Public Prosecutor's Office whereby the SPPO will be transformed into a separate public prosecutor's office with autonomous competences within the PPO system. The same law will specifically define and delineate the competences of the existing SPPO and the competences of the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption.

Taking into account the existing human and technical resources of the SPPO, its competence as a separate public prosecutor's office for the entire territory of RM, with a seat in Skopje, within the PPO should be extended to cover prosecuting high-profile corruption cases (white collar crime) defined by the new law on the public prosecutor's office.

9.1. Prison system The adoption of a new Law on Execution of Sanctions is foreseen to harmonise the legislation in the area of execution of sanctions with the strategic goals given in the National Strategy. In some courts, the number of judges for the execution of sanctions shall increase.

In order to provide an efficient penitentiary system with a professional approach in organising and supervising the work of the penitentiary and correctional institutions with the purpose of improving the key areas of the functioning of the penitentiary system, fulfillment of and compliance with the highest European standards for execution of sanctions, it is necessary to evaluate the success in implementing in practice the General Cognitive Programme for cognitive-behavioral approach in the treatment of convicted persons and reviewing the competence of the Director of the Directorate for Execution of Sanctions, increasing the competencies of the directors of the penitentiary and correctional institutions, establishing an effective system for handling appeals upon reported cases of inadequate treatment of prisoners and the use of excessive force, and proper recording and evaluation of the cases.

With regards to probation, it is necessary to fully staff the probation service with the adequate professionals throughout the country. It is also necessary to adopt the bylaws arising from the Law.

9.2 Child friendly justice The Justice for Children system was established with the Law on Juvenile Justice, and updated with the Law on Justice for Children. It still faces bad material conditions, lack of basic education and systematic re-socialisation of children deprived of liberty, thus pointing to the serious concern and need for efforts to further strengthen the rights of the child. At the same time, non-compliance with the Criminal Procedure Code and the Law on Misdemeanours was noted, as well as with the EU Directives. All this urges changes in the Law on Justice for Children, aimed at complying it with the other laws and EU Directives, enhancing the protection of children-victims of crimes, introducing procedural provisions concerning the main hearing, facilitating the access of children-victims to legal advice and representation, and setting up a Compensation Fund for Children-Victims. The changes must also strengthen the mechanisms for prevention of child offenders at local and central level, as well as institutional, material and functional strengthening of the State Council for the Prevention of Child Delinquency.

9.3. Violence against partners Domestic violence is defined as criminal offence in Criminal Code. In the Republic of Macedonia it is adopted the Law on prevention and managing with domestic violence. In the Law there are defined measures for prevention of

domestic violence, measures for protection of victims as well as establishment off national body for coordination of activities for the implementation of the Law.

Next steps in that field are planned to be: harmonization of national legislation with Istanbul Convention, improvement of services for protection of victims of domestic violence and measures in the field of gender equality and discrimination.

10. New information and communication technologies IT Strategy was prepared by the Ministry of Justice and it is expected to be adopted in the first quarter of 2018.

11. Other Public Prosecution Office

It is necessary to separate the system for individual evaluation of the prosecutors from the system for evaluation of the work of the prosecutor's office as an institution, and to regulate the procedure for establishment of a disciplinary violation and the unprofessional and unethical performance of the public prosecutor's function with the Law on the Public Prosecutor's Office.

For the proper functioning of the Public Prosecutor's Office it is necessary to establish operational cooperation among institutions and synchronisation with the law enforcement authorities, the courts, the penitentiary institutions and the Bar.

The organisation of the Public Prosecutor's Office will follow the court organisational setup in the country.