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EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE (CEPEJ)

EXPLANATORY NOTE TO THE SCHEME FOR EVALUATING EUROPEAN JUDICIAL SYSTEMS

2026 Cycle (2025 data)

INTRODUCTION

The CEPEJ decided, at its 43rd Plenary Meeting, to launch the 11th CEPEJ evaluation cycle with a view to publishing the results (CEPEJ Report) in December 2026 based on 2025 data. For the first time, the CEPEJ Evaluation cycle will be carried out annually, based on a completely revised questionnaire.

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

The aim of the report is to compare the functioning of comparable judicial systems in their various aspects, in order to have a better understanding of the trends in judicial organisation of different systems to improve the efficiency of justice. The CEPEJ report is above all conceived as a public policy tool. Furthermore, all data collected by the CEPEJ will continue to be available on the interactive and public database CEPEJ-STAT.

The present Scheme was prepared by the CEPEJ Working group on evaluation (CEPEJ-GT-EVAL) during its 47th Meeting on 17-18 October 2024, 48th Meeting on 6-7 March 2025 and 49th Meeting on 14-15 May 2025 and adopted by the CEPEJ at its 44th Plenary Meeting (4-5 June 2025).

The Scheme is composed by two parts. The first part (main questionnaire) on which this explanatory note is based has the following reference CEPEJ(2025)6rev1. The second one (CEPEJ(2025)7rev) is dedicated only to ICT (information and communication technology) and its explanatory note is developed in a dedicated document (CEPEJ(2025)10).

Not all states may answer every question due to the diversity of the judicial systems and data availability. Therefore, this Scheme is also designed to encourage the collection of data in areas where such data are unavailable.

This explanatory note accompanies the Evaluation Scheme and is intended to assist the national correspondents entrusted with replying to the questions by clarifying the purpose of each question and definition. In particular, this document aims to resolve any ambiguity by providing practical examples of how more complex questions should be interpreted, and which replies should be given.

Please take the time to carefully read the updated explanatory note. Make sure you understand what information is needed for each question, as some explanations, definitions, and concepts might differ from the ones usually used in your country but also because some definitions might have changed from the previous version of the explanatory note. It is important to be aware of these changes to answer the questions correctly. Should you have any question regarding the Scheme and the way to answer it, please send an e-mail to the CEPEJ Secretariat.

How to answer the questionnaire?

Types of questions

The main questionnaire includes approximately 70 questions that cover 10 different topics organised in three different formats.

Quantitative questions aim to collect numerical data (figures), providing measurable and comparable information. For example: the question on the number of courts in your country (Q28).

Qualitative questions are categorised in different modalities to show patterns or trends. For example: the qualitative question on the participation of different authorities in the different phases of the pre-trial stage of criminal proceedings (Q63).

Each question is followed by a comment (text), described later, where any details on the answer provided could be given.

Additionally, this Scheme contains some new **open questions** aiming to collect information that will be used as such (after quality control process) as a narrative in the report, especially in the "country profiles" to describe some aspects of your judicial system (for example the individual evaluation system for judges/prosecutors (Q47) or the regular judicial system surveys (Q27)). The purpose of these open questions is to allow a more in-depth exploration of some aspects of your judicial system, its developments and eventual challenges and highlight some innovative aspects if there are noticeable (for example difficulties recruiting judges and prosecutors, factors contributing to the attractiveness of the profession of judge or prosecutor (Q42), recent measures improving access to justice (Q12), gender equality in judiciary (Q50), current reforms (Q68)). **If your system does not have such innovative aspect or good practice to be mentioned, you can consider not to answer to the question concerned.** If case you find it relevant, you can specify the source(s) of your replies to the open questions.

Comments

The CEPEJ gives the possibility to insert a comment for every question. We differentiate between two types of comments: **general comments** (please see the Manual on data entry tool CEPEJ-COLLECT) and **specific comments** under each question.

The comments are essential to help understand, contextualize, and enhance the analysis of the data that will be done during the quality control process but also provided in the report. They allow national correspondents to clarify specific details, explain figures, trends or variations compared to previous cycles where needed and provide additional background information to highlight the specificities of their judicial system.

The comments that will be provided are the unique source of the analyses that will be done in the CEPEJ Evaluation report. Methodologically, the CEPEJ insists that the data are always analysed in relation to the comments. Additionally, all comments, both general and specific, are published in the CEPEJ-STAT database together with the data.

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

The **general comments,** which **apply to all evaluation cycles**, are located in a separate tab. Such comments refer to specificities of the national judicial system relevant to all evaluation cycles and are useful when understanding, analysing the replies and processing data. It is not mandatory to fill in this area systematically, but it is necessary when there are specific aspects of the system that need to be highlighted for accurate data understanding or interpretation. These comments should be as precise and as concise as possible.

When an answer and/or a **specific** comment to a question remains unchanged from one evaluation cycle to the other, it is possible for national correspondents to "copy and paste" from the previous evaluation round, but a simple reference to the previous cycle is not sufficient (enough). For the general comment on the other side, this is done automatically, and the user should intervene only in case a change is needed.

NA and NAP answers

When answering questions, it may not always be possible to provide a number or to choose between different response options (e.g., Yes or No). In such cases, use NA or NAP as appropriate.

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

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

The answers NA or NAP are very different from each other and any confusion could lead to wrong interpretations. Please also note that the consistency rules (vertical and horizontal) do not apply in the same way in the presence of one or more NA or NAP replies.

Consistency (horizontal and vertical)

In quantitative questions that contain a table with different subcategories and a total, the total must equal the sum of the different sub-categories, except in case of existing subtotals.

Impact of NA and NAP replies on the calculation of the total:

- if the answers to one or more sub-categories are **NA** (not available), the total cannot be equal to the sum of the other sub-categories with quantitative data.

- if only one category is **NA**, the total must necessarily be **NA**;

- if several subcategories are NA, the total can be either NA or a quantitative value (which will necessarily be greater than the sum of the available sub-categories);

- however, if one or more subcategories are **NAP** (not applicable), they do not impact the total which will be equal to the sum of the sub-categories with numerical data since this/these **NAP** replies indicate that this/these sub-categories do not exist in the legal system and could be interpreted as 0(zero).

Examples:

Please note that in all the examples below, both HORIZONTAL *(consistency should be ensured within each row meaning Total = Males, + Females for each court level)* and VERTICAL *(consistency should be ensured for each column meaning that total court presidents equal the sum of first, second, and highest instance presidents)* CONSISTENCY has been ensured.

Example No. 1 - one subcategory is NA: if one sub-category contains NA, then the total should also be NA because the data is incomplete or unavailable for that subcategory. In Ex.No.1 the number of female court presidents is NA for some reason. This NA has an effect on the following data:

- the total number of court presidents at the second instance will be NA (because if we do not know how many female court presidents are at second instance, we cannot know the total of court presidents at this instance);

- for the same reason, the total number of female court presidents will also be NA;

- and as a consequence, the total number of court presidents is NA

Example No.1 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	**NA**	18	**NA**
1. First instance court presidents	15	9	6
2. Second instance (court of appeal) court presidents	**NA**	5	**NA**
3. Highest instance court presidents	3	4	4

Example No. 2 - several subcategories are NA: if more than one sub-category is NA, the total can either be NA or a number greater than the sum of the known sub-categories. This can happen when some data is missing but the total is still estimated or known independently. In Example No. 2, the total number of male court presidents is indicated as 12, despite the male figures for both the “2. Second instance (court of appeal) court presidents” and “3. Highest instance court presidents” being NA. Similarly, the total number of female court presidents is 8, even though the female data for these same subcategories is also NA.

Example No.2 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	20	12	8
1. First instance court presidents	10	6	4
2. Second instance (court of appeal) court presidents	5	**NA**	**NA**
3. Highest instance court presidents	5	**NA**	**NA**

Example No. 3 - one (or several) subcategory/subcategories is/are NAP: the reply NAP means “Not Applicable” and does not influence the total. In calculations, NAP is treated as zero and does not affect the total sum. In Example No. 3, although “2. Second instance court presidents” is marked as NAP, the total number of court presidents (1 + 2 + 3) is still indicated as 18, calculated as NAP+10+8.

Example No.3 Number of court presidents on 31 December of the reference year			
	Total	Males	Females
Total number of court presidents (1 + 2 + 3)	18	10	8
1. First instance court presidents	10	6	4
2. Second instance (court of appeal) court presidents	**NAP**	**NAP**	**NAP**
3. Highest instance court presidents	8	4	4

Gross figures and full-time equivalent of posts

The posts in gross figures refer to the total number of persons working, regardless of their working hours. The posts in full-time equivalent, on the other hand, are aimed at quantifying the posts taking the full time as a reference. Data in full-time equivalent implies that the number of part time working persons has to be converted: for instance, one half-time worker should count for 0.5 of a full-time equivalent, two persons working half the standard number of hours count for one "full-time equivalent".

Check and variations from previous evaluation cycles

Please always check the data inserted. Pay special attention to the figures **(for example, the number of zeros**!).

Please also compare the data indicated for the year of reference with the validated data from previous evaluation cycles, i.e., the data that was validated following the quality control of the data by the CEPEJ Secretariat and explain significant variations from one cycle to another. Additionally, the validated data from previous cycles is also available in the Excel file that is sent to all national correspondents before the start of the evaluation cycle. This file should be used to ensure consistency when comparing data across different periods. This information can also be found within the CEPEJ-COLLECT system in a separate tab “Previous data”.

Where relevant, for both quantitative and qualitative data, the system will automatically warn you in case of a significant variation and data can only be saved with these variations if a comment is inserted in a specific box that will appear under the concerned data. Indeed, these variations may be explained by specific situations which had a significant impact on data for the reference year (for example, an increase in the number of incoming administrative law cases due to the migration crisis), or by a structural reform, a legislative change, a different methodology or a change in the interpretation of the question by the national correspondent. Please note that this change should be well explained and not only mentioned. For example, if there is a new methodology introduced, the differences with the previous one should be elaborated. Although the reform of the CEPEJ evaluation cycles led to changes in numbering and some questions were deleted or revised, the system will still allow you to compare the data from and before 2024 (2022 data).

Currency

All financial amounts have to be given in Euros. This is essential to avoid any misinterpretations or problems of comparability. For countries outside the Euro zone, the exchange rate on 1st January of the reference year +1 has to be indicated in question 5.

Rules and exceptions

Please note that you should answer the questions with data/information that reflects the general rule, not the exceptions. You can mention any exceptions in the comment of the question.

Year of reference

The year of reference for this Scheme is **2025**.

1 Demographic and economic data

These data will enable to determine ratios allowing comparative analyses in all the different parts of the report. The data provided in these questions are standardisation variables and must be the latest available. If your country reports these data to Eurostat, please contact your national statistical institution to provide you with data already communicated to Eurostat. In case your country is not delivering data to Eurostat, please use your official national source and specify it in the comments.

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

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

2. Total government expenditure as % of GDP

This is an indicator calculated by Eurostat and represents the Total government expenditure as a percentage of the Gros Domestic Product (GDP).

See data here.

For countries that do not submit these data to Eurostat, please read the methodological details here.

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

Please indicate the annual Gross domestic product (GDP) at current prices per capita. Gross domestic product (GDP) at current prices is GDP at prices of the current reporting period (i.e., not readjusted for the effects of price inflation) also known as nominal GDP. Eurostat publishes this data for EU and for some other European countries. If this is the case of your state, it is recommended to submit this data for the CEPEJ evaluation. See here.

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

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

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

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

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

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

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

2 Budgetary data

According to the CEPEJ the judicial system budget is defined as the total public expenditure allocated to courts, public prosecution services and legal aid.

The budget reported in this section must reflect **public spending only**, meaning the actual expenditures (implemented budget) incurred by the state or publicly funded institutions.

All the budgetary data must include both the budget at national level and at the level of regional or federal entities. **Please note that all amounts used for financing budget(s) in this question should be included irrespective of which ministry or state institution is the source of financing.**

2.1 Judicial system budget

6. Could you please indicate the implemented "judicial system budget", including courts (Q7), public prosecution services (Q8), and legal aid (Q9) budgets?

The judicial system budget, as defined by the CEPEJ, includes the total implemented public budget/expenditure for:

- Courts (Q7)
- Public prosecution services (Q8)
- Legal aid (Q9)

This definition has been adopted in order to ensure European comparability. While the overall concept of "justice system" may vary significantly from one country to another – with some systems including additional institutions such as the prison service, probation, or Judicial Councils, the budgets for courts (as defined in Q28), prosecution services and legal aid represent a **common and essential core** across all member States.

The judicial system budget must not include, in particular:

- the budget for the prison and probation services;
- the budget for the operation of the Ministry of Justice (and/or any other institution of the executive or legislative branch which deals with the administration of justice);
- the budget for the operation of other institutions (other than courts) attached to the Ministry of Justice;
- the budget of the judicial protection of youth (e.g., social workers);
- the budget of the Constitutional courts;
- the budget of the High Judicial Council / State Prosecutorial Council (or other similar judicial governance bodies);

Most judicial systems operate on a financial year from 1 January to 31 December, which aligns with the CEPEJ reference year. Exceptionally, in some systems, the financial year does not match the calendar year (e.g. from 1 April of one year to 31 March of the next year). In such cases, please report for the financial year that overlaps more with the CEPEJ reference year (with regard to the above-mentioned example, the year starting on 1 April of the CEPEJ reference year) and explain this situation clearly in the comments.

7. Annual implemented public budget for the functioning of all courts in €.

This question concerns the actual expenditure incurred by all courts (defined in Q28) during the reference year. Please note that this category refers exclusively to courts, excluding any expenses of the public prosecution services covered under Q8. The following categories must be completed:

1. Gross salaries: this category should include all remuneration paid to professional and other judges and court staff, including base salaries, bonuses (see Q45) and additional payments (e.g., performance bonuses, jubilee awards), mandatory allowances and benefits (e.g., housing allowance), employer-paid contributions (e.g., for pensions, health insurance, social security etc.) Please note that this category includes only staff directly employed by the court. It should not include salaries or costs related to outsourced personnel or external service providers. If such services are used, their costs should be reported under the appropriate budget line (e.g., computerisation, maintenance etc).

   This line should be disaggregated in three elements:

   - 1.1 Salaries of professional judges (salaries, benefits and other expenses related only to professional judges)
   - 1.2 Salaries of non-judge staff employed in courts (salaries, benefits and other expenses related to clerks, registrars, IT staff, administrative and support staff).
   - 1.3 Salaries/remuneration of other judges (salaries, benefits and other expenses related to non-professional judges and occasional judges).

If it is not possible to distinguish between these three categories, please specify why and indicate only the total amount for gross salaries.

2. Computerisation: this category includes all expenses related to court IT systems, including equipment, investments, installation, use and maintenance of computer systems. It covers the purchase, development, upgrade and maintenance of hardware and software, licences, and also includes the expenses for outsourced technical staff or services.

3. Justice expenses: all costs that are **procedurally and functionally linked to the conduct of judicial proceedings**, such as expenses for expert assessments, interpretation and translation, notification services, witness compensation, travel, and safekeeping of seized assets etc. These expenses support judicial proceedings and should not include general administrative costs.

   Per diems and other travel-related allowances for judges and court staff other than those for training (line 6) must be included here, not under salaries.

   Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the court budget, or court fees and taxes paid to cover justice expenses) should be excluded from this category. Likewise, any amount related to legal aid and mandatory legal representation in court (ex officio lawyers), or the relative coverage/exemption of court fees should not be included here but in the legal aid budget (see Q9).

4. Maintenance and operational costs of court buildings: includes rent, electricity, water, security, cleaning, and routine maintenance of facilities. This category also includes outsourced services and/or staff performing these functions if outsourced. It does not include investments in new buildings (which should be reported under item 5).

5. Investments in new (court) buildings: costs for new constructions, major renovations, or acquisition of buildings intended for court use.

6. Training: training activities organised and directly paid for by courts and aimed at judges or other court staff. This does not include the budget of separate training institutions (see Q10). Please note that if courts incur training-related expenses (e.g., travel, per diems, or mission costs for attending training), even if a separate training institution exists, these expenses should be reported under this item (line 6).

7. Other (please specify): use this only if expenses cannot reasonably be assigned to the categories above. For example, performance-related bonuses or regular allowances should be included under “salaries”. Explain any exceptions clearly in the comments.

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

- the budget for the public prosecution system (see question 8);
- the budget for legal aid (see questions 9);

8. Annual implemented public budget for the functioning of all public prosecution services, in €.

This question refers to the implemented budget/expenditures incurred by the public prosecution offices during the reference year. Please note that this category refers exclusively to public prosecution services, excluding expenses of courts, covered under Q7. The classification is identical to that of the courts to ensure comparability:

1. Gross salaries: this category should include all remuneration paid to public prosecutors and public prosecution office staff, including base salaries, bonuses (see Q45) and additional payments (e.g., performance bonuses, jubilee awards), mandatory allowances and benefits (e.g., housing allowance), employer-paid contributions (e.g., for pensions, health insurance,

social security etc.). Please note that this category includes only staff directly employed by the prosecutor office. It should not include salaries or costs related to outsourced personnel or external service providers. If such services are used, their costs should be reported under the appropriate budget line (e.g., computerisation, maintenance etc).

This line should be disaggregated in three elements:

- 1.1 Salaries of public prosecutors (salaries, benefits and other expenses related only to public prosecutors)

- 1.2 Salaries of non-prosecutor staff employed in public prosecution services (salaries, benefits and other expenses related to administrative personnel, support staff, IT specialists, etc.)
- 1.3. Salaries/remuneration of professionals with similar duties to those of public prosecutors (salaries, benefits and other expenses if applicable).

If it is not possible to distinguish between these three categories, please specify why and indicate only the total amount for gross salaries.

2. Computerisation: this category includes all expenses related to public prosecution services' IT systems, including equipment, investments, installation, use and maintenance of computer systems. It covers the purchase, development, upgrade and maintenance of hardware and software, licences, and also includes the expenses for outsourced technical staff or services.
3. Prosecution expenses: all costs directly connected to prosecutorial functions, including expert services, interpretation and translation, phone tapping, notification services, witness compensation, travels, and custody expenses. These expenses support judicial proceedings and should not include general administrative costs.

   Per diems and other travel-related allowances for prosecutors and prosecution office staff apart from those occurred for training (point 6) must be included here, not under salaries.

   Any expenses to be eventually paid by the parties (e.g., individual costs of experts and interpreters to be reimbursed to the prosecution office budget) should be excluded from this category. Likewise, any amount related to legal aid and mandatory representation in court (ex officio lawyers), even if financed or administered by the prosecution services, should not be included here but included in legal aid budget (see Q9).

4. Maintenance and operational costs of premises: includes rent, electricity, water, security, cleaning, and routine maintenance of facilities. This category also includes outsourced services and/or staff performing these functions if outsourced. It does not include investments in new buildings (which should be reported under item 5)
5. Investments in new buildings: new constructions, purchases or major renovations of facilities of public prosecution services.
6. Training: training activities organised and directly paid for by public prosecutor offices and aimed at public prosecutors or other prosecutorial staff. This does not include the budget of separate training institutions (see Q10). Please note that if prosecution offices incur training-related expenses (e.g. travel, per diems, or mission costs for attending training), even if a separate training institution exists, these expenses should be reported under this item (line 6).

7. Other (please specify): use this only if expenses cannot reasonably be assigned to the categories above – for example, performance-related bonuses or regular allowances should be included under "salaries". Explain any exceptions clearly in the comments.

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

- the budget of the court system (see question 7);
- the budget for legal aid (see questions 9);

9. Annual implemented public budget for legal aid in €.

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

This question concerns the implemented budget / expenditures for legal aid during the reference year, broken down by case type (criminal / other than criminal) and by phase (cases brought to court / cases not brought to court).

Concerning the distinction between cases brought to court and cases not brought to court, please also see the explanatory note for questions 21 and 22.

In accordance with the CEPEJ methodology, mandatory representation in court by ex officio lawyers must be included under legal aid. Classification should be based on the nature of the service provided, not on the legal framework or institutional source of funding.

If your system cannot separately report these expenditures as part of the legal aid budget, the reasons for this should be clearly explained in the comments. If the mandatory legal representation budget (ex officio lawyers) is not included in the legal aid budget, please specify where it is included.

If the legal aid system provides for the **coverage of court fees** (i.e., the court fees are paid on behalf of the beneficiary or reimbursed by public funds), the corresponding amounts **must be included** in the legal aid budget, regardless of the legal or institutional arrangement. This applies whether court fees are covered directly through legal aid or via another public mechanism.

2.2 Other budgetary data

10. If there is one or more institution(s) responsible for training (judges, public prosecutors, non-judge and non-prosecutor staff), please provide their implemented budget/s? These budgets should not be included in Q7 and 8.

This question only concerns states that have public bodies responsible for the training of judges and/or public prosecutors (e.g., judicial training schools, centres, academies). Please note that a “training institution” does not necessarily refer to a standalone or specialised body. It may also include a training department or unit within a ministry or any other public authority in charge of organising and financing training activities for judges, prosecutors, or court/prosecution staff.

Please note that, even in the absence of a dedicated training institution (for judges and public prosecutors or for non-judge and non-prosecutor staff), any public expenditure (regardless of which public institution incurred it) for training of such staff should still be reported under this item.

The training may be organised:

- in a single institution covering multiple professional groups (judges, public prosecutors, court and public prosecution staff), or
- in separate institutions for each category.

The training provided may be initial, continuous (in-service), or both. Multiple institutions may co-exist within a single national system.

Only the implemented budget of these public institutions for the reference year should be reported.

This figure **should not** include:

- any part of the training budget that is financed directly by courts or public prosecution services (see Q7 and Q8); the amount reported under Q10 (budget of training institutions) should **not be included** in the court (Q7) or public prosecution services (Q8) budgets. It must be reported **separately**, in order to **avoid counting the same expenditure twice**.
- training delivered or financed by universities, private institutes, or other external providers;
- external donor funding (e.g., EU, UNDP, bilateral donors), even if the activities are managed by the public institution. Any such external contributions should be excluded from the total and may be explained in the comments, if relevant.

11. Annual income of court fees received by the State (in €)

This question refers to the total income from all court-related fees collected during the reference year, whether at the beginning or later stages of proceedings. This includes:

- Filing and registration fees
- Procedural and enforcement-related fees
- Any other fees paid by users of the judicial system

This figure helps assess the contribution of litigants to the financing of the judicial system and is not to be deducted from budget figures reported elsewhere. For example, if court fees are collected by the Ministry of Justice and then reallocated to the courts, the income should still be reported in this question and should not be deducted from Q7.

3 Access to justice

12. Please, briefly describe the main important measures/practices implemented recently with the aim to improve access to justice for court users in your country. Please also specify any activities undertaken to raise awareness among users regarding the existence of these measures (e.g., promotion, communication).

This **open** question seeks to gather information on important measures and/or best practices that have been implemented recently (over the last three years at most) that aim to improve access to justice for court users in your country and concerns all the different elements of "access to justice" of this section. Please focus only on measures that were introduced, significantly revised or/and have started being implemented.

Please provide a concise summary and concrete information about what is done in practice and how it is promoted to reach users. Consequently, references to laws or legal provisions should be excluded from the answer. In your response, please:

- Describe the main measures and/ or best practices implemented in the last 3 years (e.g., judicial map reform, ADR, digital tools, simplified procedures, legal aid scope expansion, physical accessibility improvements, court fees reform, etc.).

- Explain also how these measures are promoted or made known to the court users to ensure accessibility and awareness (e.g., public awareness campaigns, information on court websites, partnerships with civil society, distribution of printed materials in public spaces, educational programs, social media outreach etc.).

Your reply to this question does not need to be exhaustive but it should include most relevant measures and the way they are promoted. An eventual contact with the CEPEJ pilot courts specific network could be useful in terms of information on good practices at local/court/public prosecution services level.

3.1 Court fees to initiate a proceeding

These three questions refer only to the court fees required to initiate a court proceeding. The court fees do not concern lawyers' fees.

13. Are litigants in general required to pay a court fee to initiate a proceeding at a court of general jurisdiction

The purpose to focus on courts of general jurisdiction is to have equivalent answers on the necessity for litigants to pay court fees to start a court proceeding. Those courts in most of the situations deal with civil cases, and therefore this question focuses on these types of proceeding.

If there are different rules for natural persons and legal entities, please answer from the perspective of a natural person initiating proceedings at the first instance court of general jurisdiction.

There are two points in time at which fees necessary to initiate court proceedings may be paid:

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

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

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

14. Please briefly present the methodology of calculation of these court fees

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

15. What is the amount of court fees requested to commence an action for 3000€ debt recovery?

As the amount of court fees might vary depending on the value of the claim, a threshold of 3000€ was set to enable comparability.

3.2 Legal aid

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

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

For the purposes of this Scheme, *legal aid* is defined as the aid provided by the state to persons who do not have sufficient financial means to defend themselves within or outside court proceedings or to have access to legal advice or information.

16. Please briefly describe the organisation and scope of the legal aid system in your country (except eligibility criteria listed in the following question)

In your reply to this **open** question, please cover the following aspects:

- Short explanation on the legal framework that governs legal aid in your country;
- The procedure for granting and/or obtaining legal aid;
- The authorities involved in granting legal aid for legal representation in courts and/or delivering legal advice. Some systems have special authorities other than the courts that deal with legal aid (such as legal aid centres);
- Whether only individuals seeking legal aid have the right to submit a request, or if lawyers can also submit requests on their behalf.
- The model of legal aid provider, such as a public defender system, ex-officio system, contract services system (the government hires private lawyers or law firms to handle cases for people who can't afford a lawyer. These lawyers are paid through a contract to provide specific services, like criminal or family law), or a mixed system.
- Whether legal aid may be granted for fees related to the enforcement of judicial decisions (expenses for enforcing a judicial decision, when enforcement is not a part of enforcement proceedings in courts (e.g., costs of enforcement agents)).
- Whether legal aid can cover other costs, such as fees for technical advisors, experts, other legal professionals (e.g., notaries), or travel costs
- Whether legal aid can cover ADR

17. Does legal aid apply to:

The question refers to different modalities/forms of legal aid. Please indicate if a person can, within the scope of legal aid, benefit from: legal representation in court and/or legal advice, legal assistance and/or other legal services.

The legal aid can be provided either at no cost or be subject to a financial contribution. In particular, it can consist of full or partial exemption or reimbursement of the cost, as well as other measures (e.g., delay of payment).

Legal representation in court includes all forms of representation before all general and specialized courts.

Legal advice means provision of information on a person's legal rights and/or responsibilities and on the existing possibilities for solving a particular legal issue or prevent a litigation (access to the law through knowledge of one's rights and by asserting them, but not necessarily through court remedy).

Legal assistance means assistance including, but not limited to, for example, assistance in drafting documents and court pleadings (proceedings), support in alternative disputes resolution (ADR) and help in navigating the rules and procedures in various areas of law.

Other legal services are notaries fees, judicial expert fees, translation costs, court mediators' fees etc. that are covered by legal aid.

18. What are the criteria for granting or refusing legal aid per category of cases?

Please fill the table (1st row) on whether legal aid in your country is subject to financial eligibility criteria. This means that the applicant's economic situation is assessed, considering factors such as gross income, disposable income, and assets, and that legal aid is allocated according to this economic situation. Furthermore, in some systems the overall situation of an applicant is evaluated (is she/he employed, does she/he own a real estate, what are her/his fixed monthly obligations, how many household members she/he supports etc.). If this assessment is conducted in your system, please provide more details of what factors are taken into account.

Please also fill the table (2nd row) on whether legal aid may be refused for cases lacking merit. Examples of such cases include frivolous actions, those with no reasonable chance of success, or those lacking public interest.

The situation can be different between criminal and other than criminal cases. If your system allocates automatically legal aid for criminal cases (without using any criteria) please answer "No" for this case category.

Please elaborate in the comment if any other eligibility criteria are taken into account for granting/refusing legal aid and provide any other clarifications that could explain the data communicated.

19. Are there situations where legal aid is automatically granted based on case category or status of the recipient?

In some systems, legal aid is automatically granted for certain categories of cases or based on the specific status of the recipient. If this applies to your system, please specify which categories of cases are covered and what recipient statuses are taken into consideration.

"Automatically" means no financial or merit assessment is carried out; the status of a recipient or the case category is enough to automatically grant legal aid, generally justified by the seriousness of the circumstances, the recipient's vulnerability or the promptness of the proceedings.

For example, some states and entities automatically grant legal aid to specific categories of individuals such as victims of domestic or sexual violence (Ireland, Malta, North Macedonia, UK-Scotland and Israel), immigrants (the Netherlands), or asylum seekers (Serbia).

Please describe in the comments the definition from your internal legal system used when selecting a case category or recipient's status.

20. Please indicate the timeframes of the procedure for granting legal aid, namely the duration from the initial legal aid request to the final decision on the legal aid request

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

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

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

21. Please indicate the number of requests for legal aid
22. Please indicate the number of cases for which legal aid has been granted

These two questions (number of legal aid that has been requested and granted), analysed together, will allow to have a full picture of the legal aid system in the Council of Europe member States.

For the purposes of these questions:

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

When the legal aid is granted in respect of a dispute at the earliest stage, as a package that covers the whole procedure, and competent authorities do not have a possibility to know what follow-up action was taken by the parties (whether the case was brought to court, solved before going to court etc.), the reply should be NA for the different subcategories and only the total should be indicated.

These questions should be answered in the same way as question 9 regarding the implemented budget for legal aid distributed among the same categories. The question on budget will be analysed in relation to the number of cases granted with legal aid, the number of recipients of legal aid or the number of decisions.

23. Please specify what is the measurement unit for the data provided in Q21 and Q22

Given the diversity in member States' methodologies related to legal aid statistics, we would like to include a question to clarify which measurement unit (by case, recipient, or decision) is used in questions 21 and 22.

To improve the quality and comparability of the data presented in the CEPEJ report, it is crucial to specify the measurement unit used and ensure that the same unit applies consistently across both tables (Questions 21 and 22).

Please see below the definitions of what each measurement unit (case, recipient, decision) means:

By case

"By case" covers **all** actions in respect of one single legal situation/dispute that are taken within (case brought to court) or outside the court proceedings (case not brought to court).

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

If within one case two parties receive legal aid, this should be counted as one case if the measurement unit is "by case".

By recipient

"By recipient" covers all legal or natural persons who were granted legal aid within (case brought to court) or outside the court proceedings (case not brought to court).

Please provide the total number of recipients of legal aid, as well as the number of recipients in criminal and other than criminal cases brought to courts and not brought to courts.

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

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

By decision

"By decision" means that each type of legal aid service (e.g., translation, travel costs, lawyer's fees, expert fees) is counted separately in respect of one single legal situation/dispute within (case brought to court) or outside the court proceedings (case not brought to court).

For example, in a child custody case (one single legal situation/dispute), both parents received legal aid: one for legal representation, travel costs, and expertise, and the other only for legal representation. In this scenario, there is one case, two recipients, and four decisions.

In case you are able to provide figures using all three measurement units (cases, recipients, and decisions), please prioritise "by recipient" in your answer, as this is the most used unit among Council of Europe member States.

3.3 Court users and victims

24. Is there an obligation in your system to provide information to the parties concerning the foreseeable timeframes of their proceedings?

Ensuring that parties to judicial proceedings are informed of expected timelines is a key element in enhancing public trust and efficiency within the justice system. This question explores whether such an obligation exists, and if possible, to have some information on its legal ground, procedural basis or application in practice, as well as the means by which this information is communicated to the parties.

The obligation to provide information to the parties may consist in an agreement on a jointly determined time-limit, to which both sides would commit themselves through various provisions. It can also be a simple information communicated to the parties (e.g., specific time estimates for the case at hand, or procedural deadlines established by law or by mutual agreement between both parties and the court).

Additionally, please specify in the comments how the information is conveyed to the parties (e.g., via written notice, procedural documentation, oral explanation during hearings, or digital case management platforms).

Where appropriate, please give details on the specific situations and existing specific procedures, for instance if the obligation applies only in particular procedures (e.g., expedited trials, commercial disputes, juvenile cases), or at certain stages (e.g., pre-trial).

25. For which vulnerable groups your judicial system provides for special arrangements in hearings or other phases of the judicial proceedings? Please specify which types of arrangements are provided?

This question seeks to identify the specific legal provisions and arrangements available to support vulnerable groups during judicial proceedings (hearings and other phases of the judicial proceedings) and ensure their equal access to justice.

In the scope of this question, judicial proceedings do not include the police investigation phase of the procedure nor compensation mechanisms for the victims of criminal offences.

The following are examples of special arrangements that may be applied to support vulnerable groups. The list of examples is not exhaustive. Any other applicable measures that exist within your national judicial system could be included in the reply to this question.

Please enumerate the different arrangements applicable and provide in the comment a short description of any existing arrangements not included in the following list of examples.

<u>Examples of special arrangements applicable to multiple vulnerable groups:</u>

- Access to psychological counselling and/or support
- Allowing the presence of a support person/service animal (e.g., guardian, legal representative, social service representative, service dogs)
- In camera hearings
- Separate court entry/waiting areas
- Remote testimony options (videoconference, use of video/audio recordings etc.)
- Automatic attribution of legal aid
- Adjusted proceedings (speedy proceedings, shorter sessions, extended breaks)

<u>Examples of special arrangements to a specific vulnerable group:</u>

Victims of sexual abuse:

- Use of video testimony to avoid direct confrontation with the accused and re-victimisation
- The obligation to inform beforehand the victim of sexual violence/rape in case of the release of the offender

Victims of terrorism:

- Crisis intervention services

Victims of domestic violence:

- Restraining orders against the offender
- Witness protection programs
- Access to specialised domestic violence courts or justice professionals
- Safe accommodation (transfer to “safe houses” or change of place of residence)
- Electronic alert bracelets
- Possibility to file a complaint outside of a police station (public hospitals, NGOs etc.)

Minors (witnesses, victims, offenders):

- Interagency/multidisciplinary structures such as “Children’s Houses” or “Barnahus” (structures designated to coordinate parallel criminal and child welfare investigations and provide support services for child victims and witnesses of sexual and other forms of violence in a child-friendly and safe environment. Their unique interagency approach brings together all relevant services at the same place to avoid secondary victimisation of the child and provide every child with a coordinated and effective response that has a legal standing.
- Use of child-friendly interrogation or hearings rooms
- Recording of the first declaration to prevent repeated questioning
- Access to specialised courts or justice professionals to accompany a minor throughout the proceedings
- Access to child-friendly materials on judicial proceedings (games, leaflets etc.) to communicate and explain procedure and meaning of court decisions and/or preparation for participation in trials / lawsuits
- Prohibition on publishing personal details and photographs of minor defendants and witnesses
- Possibility for a child to submit a complaint to court directly themselves in their own language

See also on this point the *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice*.

Persons with disabilities:

Persons with disabilities must be addressed in line with the UN Convention on the Rights of Persons with Disabilities adopted on 13 December 2006 and its Optional Protocol.

- Provision of sign language services
- Courtroom accessibility adaptations (physical, cognitive, digital)
- Tailored communication and questioning methods

Migrants, refugees and asylum seekers:

- Translation in native language and provision of interpreters
- Access to specialised NGOs/associations

"Other" category: you are invited to specify additional vulnerable groups and additional special arrangements in place to ensure fair treatment and non-discrimination during judicial proceedings.

This category may include but is not limited to:

- *Ethnic minorities*

  Ethnic minorities must be addressed in line with the Council of Europe's framework convention for the protection of national minorities (CETS N° 157). It does not concern foreigners involved in a judicial procedure.

- Elderly people
- Victims of human trafficking
- Forced marriage victims
- Victims of hate crime

26. Is there a system of compensation in the following circumstances

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

Please complete the table by providing the following information for each type of situation listed:

- The number of requests for compensation submitted during the reference year.
- The number of compensations granted, meaning those requests that were approved and resulted in a financial payment to the claimant.
- The legal time limit for processing compensation requests, if such a time limit exists in national legislation or established practice.

Only data related to domestic procedures should be reported. Requests submitted to and compensations awarded by international jurisdictions (e.g., the European Court of Human Rights or other international human rights bodies) should be excluded from the figures.

For the purpose of this question:

"Wrongful arrest/detention" applies when an individual deprived of liberty by arrest or detention is later found to have been held in violation of the law.

"Wrongful conviction", when a final conviction is later overturned due to newly discovered facts or procedural errors showing a miscarriage of justice.

"Excessive length of proceedings" refers to violations of the right to a trial within a reasonable time.

"Non-execution of court decisions" includes cases where the execution was:

- Unreasonably delayed and it is no longer of relevance for the party concerned or caused loss of substantial damages,
- denied (for any reason) by the competent authority.

"Other" – any additional grounds recognised under national law (e.g., lack of impartiality of a judge or prosecutor, violation of the right to a fair hearing).

Please briefly specify in the comment which national authorities are competent to handle compensation requests, as well as any minimum or maximum thresholds of compensation (e.g., the amount awarded per day for unjustified detention or conviction).

27. Please provide information on surveys related to the judicial system carried out regularly and/or during the reference year (target groups, topic, results, possible follow-up etc.)

This **open** question concerns surveys aimed at persons who were in direct contact with a court and who were directly involved in proceedings, as well as general opinion surveys. It aims to collect information on surveys carried out to assess satisfaction and trust in the judicial system. The scope includes surveys conducted during the reference year or regularly implemented surveys (e.g., annual, biannual), even if the most recent edition did not fall within the reference year.

The surveys may target court users/parties to judicial proceedings, judges and prosecutors, court management staff, other legal professionals such as lawyers, enforcement agents, notaries, specific vulnerable groups, general public etc.

Topics - surveys may cover a variety of themes, such as satisfaction with or accessibility of court services, trust in the judicial system, perceptions of fairness and impartiality, transparency of proceedings, court experience, or other relevant issues reflecting views on the functioning of the justice system.

Results – summarise key findings, trends, or insights (where available).

Follow-up – indicate any actions taken as a result of the survey (e.g., reforms, service improvements, feedback to stakeholders).

3.4 Courts

For the purposes of this questionnaire, a court is defined as a body established by law to exercise the judicial power of the state in civil, administrative, criminal or other matters, and where one or several judge(s) is/are sitting, on a temporary or permanent basis, responsible for settling specific disputes.

28. Number of courts – legal entities and geographic locations

For reasons of data comparability, it is required to use the following categorisations defined by the CEPEJ which could differ from the national definitions.

Distinction between courts as legal entities and courts as geographic locations

A court can be counted as a legal entity and/or as a geographical location. Therefore, it is required to quantify courts according to these two concepts which allow, in particular, to give information on the accessibility of courts for the citizens.

A legal entity is a court established by law, which has an autonomous existence within the judicial system and whose jurisdiction is defined by law. A court remains a single legal entity regardless of the number of divisions/chambers or other internal organisational units. Thus, a court with a civil division, a criminal division and a tax division must be regarded as a single legal entity and not three.

Geographic locations are the sites/locations (which could be several buildings together), including the dispersed courtrooms of a single court, where judicial proceedings take place. For example, a legal entity may have several geographic locations in order to facilitate access to justice (particularly in large cities).

More specifically, if the same court operates from two buildings situated at different locations, “1” legal entity and “2” geographic locations should be counted. Conversely, if the same court has two buildings on the same site, one legal entity and one geographic location should be counted.

If different instance courts (*e.g.*, a 1st instance court and a 2nd instance court) or courts with different jurisdictions (*e.g.*, labour court and commercial court that are separate legal entities) operate on the same site, they must be counted separately both as legal entities and as geographic locations.

Distinction between courts of general jurisdiction and specialised courts

For the purpose of this question, a *court of general jurisdiction* is a court competent for **all** matters over which jurisdiction has not been conferred on a more closely specialised court.

According to the CEPEJ, specialisation of courts should be understood only in terms of legal fields, namely in terms of specific branches of criminal law (*e.g.*, fight against terrorism, domestic violence, etc.) or civil law (*e.g.*, labour law, family law, etc.) and not in terms of thresholds defined in respect of the gravity of the sanction or the value of the dispute. Accordingly, courts competent only for minor offences (for example misdemeanour courts, *tribunaux de police*) or courts competent only for the most serious offences (for example assize courts), as well as justices of peace, small claim courts etc., should be counted as courts of general jurisdiction. Conversely, a court competent only for tax offences or a court competent only for intellectual property law disputes should be qualified as specialised.

Only courts established by law as autonomous legal entities should be counted as *specialised courts*. On the other hand, the following **<u>should not be considered</u> as “specialised courts”**:

- chambers/divisions existing within a court of general jurisdiction and specialised in different areas of law, even if in domestic law the term “court” is used. For example, in Belgium, if all first instance courts have a specialised family and youth division and even if the name “family court” is used it remains a specialised division.
- a Supreme Court or a High Court dealing with all types of cases. For example, if a Supreme Court is organised into three civil chambers, a commercial chamber, a social chamber and a criminal chamber, all constitute a single legal entity of general jurisdiction and not 6 specialised courts.

Please note that the **specialised chambers, divisions or judges** will be taken into consideration in the next question.

Courts that are not part of the ordinary judicial system should not be taken into consideration here. This is the case, for example, of the Court of audits in some countries, which is responsible for monitoring the regularity of public accounts. If a Constitutional court exists in the judicial system, it should only be included in the reply if it is considered to be part of the ordinary judicial system and not a separate body.

Distinction between different instances

In respect of courts of general jurisdiction, please break down their total number per instance for both legal entities and geographic locations. If there are only two court instances, and the courts competent to hear appeals against decisions of first instance courts are at the same time courts of second and final instance, please count them under "28.1.3 Highest instance courts of general jurisdiction" and explain this organisation in the general comment. In this particular situation, a NAP reply should be provided for the category "28.1.2 Second instance courts of general jurisdiction".

If certain courts in the judicial system have jurisdiction to rule at different instances depending on the case type (for example, courts that act at first instance for certain categories of cases and at second instance for other categories of cases), please count them only once in the table based on their prevailing competence, explaining the situation in the comment. In case of a doubt, use the number of incoming cases as the decisive indicator (*e.g.*, if the majority of incoming cases are first instance cases, count the court concerned as a first instance court).

If specialised courts exist in your system as autonomous legal entities, it is also required to break down their total number per instance for both legal entities and geographic locations. Where there are no specialised courts of second and/or third instance, namely where appeals against decisions of first instance specialised courts are lodged with courts of appeal/Supreme Courts of general jurisdiction, please reply NAP for categories 28.2.2 and/or 28.2.3.

29. If your court system has specialisation in some particular legal fields, please specify the areas of law concerned and how it is organised (specialised courts/chambers/judges).

The replies to this question will provide a more complete picture of the specialisation of justice in the various states, through the specialisation of courts or the existence of specialised chambers/sections/judges.

Please indicate in this table the areas of law in which there are ***specialised courts*** (legal entities) (1^{st} column of the table) but also the specific branches of law which have given rise to specialisation within courts of general jurisdiction in the form of chambers/sections/other organisational units, or judges whose main competence relates to a specific type of litigation (2^{nd} column of the table). A specialised judge is a judge to whom certain types of cases (e.g., family law, commercial law, juvenile matters, etc.) are exclusively allocated by law or regulation, even though they may also deal with other types of cases.
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The 2^{nd} column of the table should only be completed for areas of law for which there are no specialised courts as legal entities. Any details in this respect will be useful, in particular the composition and functioning of the specialised chambers/sections, the type and frequency of training undergone by the specialised judges or their recruitment procedure if the latter presents a specific feature (*e.g.*, validation of a specific examination), etc.

30. Could you please provide an organigram of your current court system?

The aim of this question is to illustrate the replies provided to questions 28 and 29. Please provide an organigram and not a judicial map.

The organigram should represent the current court system of your country in terms of legal entities and not geographic locations. It should be built based on the different court instances and taking into consideration the courts of general jurisdiction as well as the specialised courts.

This organigram should allow understanding of the way court cases are dealt with through the different instances and depending on the specific legal matter. It would be of particular importance for countries where some courts have double competence (e.g., intervening at first instance for some case types and at second instance for other case types) to understand the articulation between the different court levels.

Please follow the provided example wherever possible and note that the organigram will be used in the country profiles.

Judges, public prosecutors and staff

These questions deal with both the justice professionals entrusted with the task of delivering or participating in a judicial decision and those who assist them from a legal but also organisational point of view.

Please indicate the actual number of posts filled for the reference year and not the statutory posts planned.

Please provide the data in full-time equivalent which indicates the number of persons working the standard number of hours (whereas the gross figure of posts includes the total number of persons working independently of their working hours).

4.1 Judges

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

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

The CEPEJ distinguishes in this questionnaire between professional and non-professional judges.

31. Number of professional judges in full time equivalent (FTE) sitting in courts, on 31 December of the reference year.

Professional judges are those who have been recruited, trained and remunerated as such.

The category of professional judges encompasses:

- Professional judges of all courts, both of general jurisdiction and specialised
- Court presidents (question 33) if they practise as judges
- Judges seconded or temporary assigned to other functions who continue to work as part-time judges (they should be taken into account in this question on an FTE basis)

- *Justices of the peace* should be included in this question if they are recruited, trained and remunerated in the same way as professional judges. Thus, in Belgium, justices of the peace follow the same recruitment procedure and training courses as professional judges; they are appointed to the same status as court of appeal councillors (same level of remuneration). They are therefore included in this question dedicated to professional judges. In Italy, on the other hand, justices of the peace are covered by a different legal framework from that of professional judges in terms of recruitment, status and remuneration. They therefore fall into the category of non-professional judges (see question 32).

The category of professional judges does not include:

- Professional judges sitting in courts on an occasional basis (*i.e*., judges with the status of "professional judges" and subject to the same legal framework (recruitment, training, salary, etc.), but who do not perform their duties on a permanent basis. These are generally professional judges who have retired and who are appointed to perform their duties as judges on an occasional basis after reaching the age limit.

  However, if your system has professional judges sitting on an occasional basis, please specify this in the comment and indicate their number (if possible, in FTE, if not, the gross figure) as well as whether they handle a significant proportion of cases.

- Judges seconded or temporary assigned to other functions (*e.g*., to the Ministry of Justice) and who do not practice as a judge during the reference year.

- Non-professional judges (see question 32).

Please specify the number of women and men who practice as judges at different court instances.

It is also required to break down the total number of professional judges by court instance. Please ensure that the replies are consistent with those to question 28 (number of courts). Thus, judges of first instance courts should be considered as first instance judges, those of courts of appeal should be categorised as judges of second instance and those of Supreme Courts - as judges of the highest instance. Concerning courts with jurisdiction to hear cases at different instances depending on the case type (*e.g*., courts that hear certain categories of cases at first instance and other categories at second instance) please provide data on their judges in full-time equivalent (FTE) for each instance in which the judge participates. If this is not possible, please categorise the judges according to their main activity and specify this in the comment.

32. Number of non-professional judges (*e.g*., lay judges or "juges consulaires", but not arbitrators or persons sitting on a jury), **on 31 December of the reference year.**

For the purposes of this question, ***non-professional judges*** are those who sit in courts and whose decisions are biding, but who do not have the status of professional judges (within the meaning of question 31). Their recruitment procedure(s), terms of office and remuneration differ from those of professional judges.

The most common term used for non-professional judges is the Common Law term "*lay-judge*". More specific designations exist in certain judicial systems, such as "*juges consulaires*" in France and Belgium, "*conseillers prud'hommes*" or "*assesseurs*" in France, "*rechter-plaatsvervangers*" in the Netherlands, etc. Similarly, legal professionals (lawyers, law professors, experienced legal advisers, etc.) who do not have the status of “professional judges” and who may be appointed to sit in the courts for a fixed period fall into the category of non-professional judges.

- As for *justices of the peace*, they should be counted as non-professional judges when they are subject to a legal framework different from that of professional judges (they are recruited, appointed and remunerated in a different way from professional judges). In Belgium, for example, justices of the peace are recruited and trained in the same way as professional judges; they are appointed to the same status as court of appeal councillors (same level of remuneration). Accordingly, they are included in Q31 dedicated to professional judges. In Italy, on the other hand, justices of the peace are covered by a different legal framework from that of professional judges in terms of recruitment, status and remuneration. Consequently, they fall into the category of non-professional judges.

- Neither the arbitrators, nor the persons who have been sitting in a jury are concerned by this question.

Most of the time, non-professional judges sit on a panel made up of both professional and non-professional judges (*échevinage*). However, it is also possible for the non-professional judge(s) to sit alone without the presence of one or more professional judge(s).

Please provide the gross figure as well as data in full-time equivalent (the latter data will enable indicators to be calculated). It should be noted that the FTE data are of particular importance for states where non-professional judges render decisions alone, in the absence of professional judges, such as “*juges consulaires*” or “*conseillers prud'hommes*” in France. Insofar as the case flow of these non-professional judges sitting alone is an integral part of the number of cases communicated in the frame of questions 52 and following, their number should be taken into account in the analyses in the same way as professional judges. If the FTE data are not available, an estimate could also be made, specifying this in the comment.

33. Number of court presidents on 31 December of the reference year

The ***court president*** must be understood as a judge or non-judge who is in charge of the organisation and the management of a court (considered as a legal entity). The presidents of chambers or divisions of the same court should not be taken into consideration in the frame of this question.

It is possible that the functions of a court president (organisation and management) are entrusted to one person (judge or non-judge) whose competence as president covers more than one courts (legal entities). In this particular situation, the number of court presidents will differ from the number of legal entities communicated in the frame of question 28, namely the former will be lower than the latter. States that present this peculiarity are invited to explain it in the comment.

Please note that court presidents are also included under question 31 if they continue to practise as judges.

Data should be communicated in terms of physical persons and not full-time equivalent

Please specify the number of women and men who are exercising the functions of court presidents.

4.2 Non-judge staff

34. Number of non-judge staff who are working in courts on 31 December of the reference year (please give the information in FTE and for posts actually filled)**.**

All non-judge staff, working in all courts, must be counted here in full-time equivalent for posts actually filled. To better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the public prosecution services (Q40). If it is not possible to separate the number of non-judge staff and non-prosecutor staff, please answer NA and explain the situation in the comment.

For this question, the criteria to distribute staff among the different categories should be based on the functions they perform rather than their status under national law or employment status (for example temporary staff and trainees should also be included if relevant).

For this question, if the same person performs multiple functions, please count them in the category of their main activity.

The different categories are:

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

It is important to note that the term Rechtspfleger might be used for different professionals in court in different countries.

Based on the description of the duties of these different officers in your country (see question 35), you can distribute them in the category 1 (Rechtspfleger), 2 (Support of the judges' activities) or 3 (Support of the organisation and functioning of the court).

In Germany, Rechtspfleger are senior judicial officers who are civil servants of the judicial service. They have completed three years of legal training at a university of applied sciences and have passed the state senior judicial officers' examination. As the "second pillar of the third power," they primarily undertake tasks in the field of "voluntary jurisdiction," including inheritance cases, care cases, parent-and-child and adoption cases, land registry cases, commercial, cooperative and partnership register cases, as well as cases related to associations, the marriage property register, and the ship register. In addition, they are responsible for numerous other court activities, such as court payment demand proceedings, legal aid, compulsory enforcement, forced sales, coercive administration, insolvency cases, cost setting, execution of penalties, proceedings before the Federal Patent Court, and international legal transactions. Their scope of activities is regulated by the Act on Senior Judicial Officers (Rechtspflegergesetz, RPflG). Senior judicial officers are factually independent and bound only by law and order in performing their tasks and rulings, in the same way as judges (section 9 of the Act). Admissible appeals against their decisions exist in accordance with the general rules of procedure (section 11 of the Act).

In Austria, Rechtspfleger are judicial officers with special training and qualifications, assigned to handle certain first-instance civil law transactions. They act under the instructions of the responsible judge, who may take over the case at any stage. Rechtspfleger may only issue court orders; appeals against these orders are granted by judges, and cases can be submitted to a judge for review. Their competences include default actions, confirming the legal effect and enforceability of rulings, decisions on legal aid in court-clerk proceedings, and performing official acts upon judicial assistance requests. They have a significant role in forced collection and personal bankruptcy proceedings, maintain land and trade registers, and handle probate and custody (non-litigious) matters. Only court officers with a Matura (exit examination) or civil servant career exam, two years' court office experience, and passed court-office and special-service exams may train as Rechtspfleger. The training lasts three years.

In certain other countries, the Rechtspfleger may be empowered to undertake administrative judicial tasks. In many countries, judicial officers, such as the Rechtspfleger (or Spanish Letrados de la Administración de Justicia), hold limited decision-making powers in specific cases, such as enforcement or registration matters. These judicial officers handle their own cases and responsibilities, rather than assisting judges in adjudicating cases.

2. Support of the judges' activities: judicial assistants whose task is to *support judge/s* in their adjudicative work

This category mainly includes judicial assistants with legal education who directly support judges in their adjudicative work. Their responsibilities/judicial support include legal research, preparing and analysing case files, assisting judge/s during hearings, drafting legal documents, and contributing to the preparation of judicial decisions. These professionals do not make judicial decisions independently but play a key role in the decision-making process through their legal and procedural support.

Additionally, this category can also include administrative assistants who also might closely work with judges, assisting in tasks such as organising case files, preparing official versions of decisions, handling correspondence, collecting relevant documents and statistical data. While not directly involved in support to judges in their adjudicative work and there can be considerable overlap between their work and the work of judicial assistants, their work is strictly administrative.

Titles for such roles vary across jurisdictions and may include judicial assistants, law clerks (Sweden), legal officers (Cyprus), secretaries (Azerbaijan), *Referendare (Germany), Wissenschaftliche Mitarbeiter (Germany), référendaires (Belgium), or greffiers (Belgium)*.

This category excludes judicial officers such as *Rechtspfleger* who have independent decision-making authority in case they have been included under the previous category.

3. **Support of the organisation and functioning of the court:** staff in charge of administrative tasks and of the management of the courts

This category of staff plays a key role in the day-to-day functioning and management of the court in order to ensure smooth administrative operations. Additionally, they could also help organise various court services, such as supporting the court secretariat and managing key areas like, information and communication technologies (ICT), finances, budget, statistics, training and human resources. This category also includes the staff responsible for registering cases (initial case registration) in the court's computer system, overseeing the payment of court fees, preparing and archiving case files.

They are neither directly nor indirectly involved in providing support to a judge, unlike judicial assistants who perform such functions as described in category 2.

4. **Staff in charge of maintenance of court buildings**

This category includes non-judge staff responsible for the execution of technical, operational, and maintenance-related tasks that ensure the proper functioning and safety of court facilities. It covers staff such as cleaners, security personnel, canteen workers, as well as technical staff like electricians, maintenance workers, and other court technicians. Their work supports the overall infrastructure and daily operations of the court but is not directly connected to judicial or administrative decision-making.

If you outsource certain services or tasks to private or external providers, please ensure that staff hired by those providers are not included in this category.

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

If other specific posts exist within your courts that do not fit into any of the above categories, please include them here and describe them in the comment.

If a considerable number of trainees are practising in your courts, their inclusion in one of the subcategories should be discussed with the CEPEJ secretariat during the data quality control process and decide on a case-by-case basis, depending on their tasks/functions/roles of these trainees.

35. If there are Rechtspfleger (or similar bodies), please briefly describe their status, exact duties and in which fields they have a role. r example, the Rechtspfleger may have a role in the following fields: legal aid, family cases, payment orders, registry cases (such as land and/or business registry cases), enforcement of civil cases, enforcement of criminal cases, non-litigious cases, or any other cases not mentioned. In addition, please indicate how this profession is called in your country.

For definition of the *Rechtspfleger* see question 34.

4.3 Public prosecutors

36. Number of public prosecutors in FTE on 31 December of the reference year

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

As for professional judges (Q31), the information should be provided in full time equivalent for posts that are actually filled (not the theoretic number of the statutory planned posts).

Please specify the number of female and male public prosecutors exercising at different levels of jurisdiction.

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

Please note that the heads of prosecution offices (question 38) are also counted under this question if they continue to practise as public prosecutors.

Conversely, professionals having similar duties to those of public prosecutors and who fall within the scope of question 37 **should not be included** in this question.

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

37. If in your judicial system, other professionals have similar duties to those of public prosecutors please specify their number on 31 December of the reference year.

This question refers to professionals whose duties are comparable to those of public prosecutors and who participate in the exercise of public action alongside public prosecutors, but with limited responsibilities/competences compared to those of public prosecutors. Their competence may, for example, be restricted either by the severity of the criminal offence (e.g., the “Vice Procuratori Onorari” in Italy have competence to act before the court on minor criminal offences), by the level/type of courts before which they are enabled to act (the police investigate and prosecute cases before the Court of magistrates in Malta and before the Courts of summary jurisdiction in Ireland), or by the scope of the actions/measures they may take (in France, the “délégués du procureur” implement alternative measures to criminal prosecution, notify convicted persons of criminal orders, monitor the enforcement of penalties, represent the public prosecutor in local authorities, etc.; in Austria, the “Bezirksanwälte” are judicial officers with legal training and are enabled to act on behalf of the public prosecutor's office under the supervision of a prosecutor). These professionals may also be police officers with the power to bring cases before a court or negotiate sentences.

This category may imply the existence of a specific status enshrined in law and requiring individuals to practice their profession on a permanent basis. It is also possible that the exercise of certain powers of public prosecutors by other persons may result from a delegation by the public prosecutor's office to certain civil servants/legal professionals (in Belgium, the Attorney General may enable permanently appointed lawyers in the prosecution services to prosecute cases before the police courts in certain situations; in Switzerland, prosecutors may delegate certain investigative acts to legal clerks of the public prosecutor's office, under conditions laid down by law; in Poland, the public prosecutor may entrust an assessor of the public prosecutor's office with the exercise of certain prosecution activities for a fixed period not exceeding three years).

On the other hand, the scope of this question does not cover lawyers that bring charges to a criminal hearing and victims who can go directly to the judge without having the public prosecution services intervene.

If this category exists in your judicial system, please indicate the gross figure as well as the number in full-time equivalent (FTE) and provide any additional information that may be useful in understanding their status, including their title and specific duties.

The number of professionals who have similar duties to those of public prosecutors should not be included within the number of public prosecutors communicated in the frame of question 36.

38. Number of heads of prosecution offices on 31 December of the reference year

For the purposes of this question, a ***head of public prosecution office*** should be understood as a public prosecutor (or non-public prosecutor) who is in charge of the organisation and management of a prosecution office (considered as a legal entity). The heads of organisational units within a single public prosecutor's office should not be taken into account here.

Please note that the heads of prosecution offices are also counted under question 36 if they practise as public prosecutors.

Data should be communicated in terms of physical persons and not full-time equivalent.

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

39. Please explain if a specific instruction can be given to a public prosecutor to either prosecute or not prosecute a case, and if there are any exceptions. Please also specify the details of these instructions and/or exceptions.

This question aims to examine the functional independence of public prosecutors in the exercise of their powers. Only instructions issued in the context of the prosecution of an individual case are relevant to this question. Both situations – instructing prosecution or, conversely, instruct not to prosecute – fall within the scope of the question. Conversely, instructions of a general character that might be issued, for example, by the Minister of Justice in the context of the implementation of the criminal policy do not fall within the scope of this question. The same applies to general instructions issued or priorities in criminal policy defined by the Attorney General outside the context of any individual case.

First, please specify the situation in your country, *i.e.*, whether in an individual case specific instructions (to prosecute or not to prosecute):

- may be addressed to public prosecutors because national law does not prohibit such instructions
- may be addressed to public prosecutors because even if the national law prohibits such instructions, exceptions to this rule are provided for by law
- are completely prohibited by national law

Secondly, please specify the authority or authorities empowered to issue such instructions and describe the characteristics of these instructions. In particular, whether they are issued in writing or orally, whether they are reasoned, mandatory, optional, recorded in the file, and any other information useful for understanding the specific situation in your country. If possible, please also indicate the frequency with which such specific instructions are issued in practice (exceptional, occasional, frequent, systematic).

Finally, it is important to specify whether a public prosecutor who has received a specific instruction in an individual case under his/her responsibility has any means of challenging those instructions, namely the possibility of appealing within the public prosecutor's office or to an independent body, or the right not to comply with the instructions, or any other means of opposing them.

4.4 Non-prosecutor staff

40. Number of non-prosecutor staff attached to the public prosecution services on 31 December of the reference year (please give the information in FTE and for posts actually filled).

This figure should not include the number of staff working for judges.

All non-prosecutor staff, working for the prosecution services must be counted here in full-time equivalent for posts actually filled. To better understand gender issues in the judiciary, please specify the total number as well as each category by gender. Please make sure that the figures presented exclude staff working for the courts (Q34). If it is not possible to separate the number of non-judge staff and non-prosecutor staff, please answer NA and describe the situation in the comment.

For this question, the criteria to distribute staff among the different categories should be based on the functions they perform rather than their status under national law.

Moreover, if the same person performs multiple functions, please count them in the category of their main activity.

The different categories are:

1. **Support of the public prosecutor activities**: staff whose task is to assist the public prosecutor

This category includes legal assistants who directly support prosecutors in their work. Their responsibilities include legal research, assessing evidence, preparing and analysing case files, drafting legal documents, and supporting the preparation of procedural documents (e.g., indictments, motions or requests for investigative measures) and/or decisions. These professionals do not make decisions independently but play a key role in the decision-making process through their legal and procedural support. They may also support the prosecutor in interactions with the police or investigators.

This category can also include administrative assistants who also might closely work with prosecutors, assisting in tasks such organizing case files, preparing official versions of the documents, handling correspondence, collecting relevant documents and statistical data. While not directly involved in support to prosecutors in their work and there can be considerable overlap between their work and the work of legal assistants, their work is strictly administrative.

2. **Support of the organisation and functioning of the prosecution services**: staff in charge of different administrative tasks and of the management of the office

This category of staff plays a key role in the day-to-day functioning and management of the prosecution office in order to ensure smooth administrative operations. Additionally, they could also help organise various prosecution office services, such as supporting the prosecution office's secretariat and managing key areas like information and communication technologies (ICT), finances, budget, statistics, training and human resources. Is also included in this category the staff responsible for registering cases (initial case registration) in the prosecution office's computer system, preparing and archiving case files.

3. **Staff in charge of maintenance of public prosecution services buildings**

This category includes staff responsible for the execution of technical, operational, and maintenance-related tasks that ensure the proper functioning and safety of prosecution services facilities. It covers staff such as cleaners, security personnel, canteen workers, as well as technical staff like electricians, maintenance workers, and other technicians. Their work supports the overall infrastructure and daily operations of the prosecution services but is not directly connected to prosecutorial or administrative decision-making.

If you outsource certain services or tasks to private or external providers, please ensure that staff hired by those providers are not included in this category.

4. **Other** includes all non-public prosecutors' staff that are not included under the categories 1-3.

If other specific posts exist within your public prosecution services that do not fit into any of the above categories, please include them here and describe them in the comment.

If a considerable number of trainees are practising in your public prosecution services, their inclusion in one of the subcategories should be discussed with the CEPEJ secretariat during the data quality control process and decide on a case-by-case basis, depending on their tasks/functions/roles of these trainees.

4.5 Recruitment of judges and public prosecutors

41. In the frame of the recruitments of judges and public prosecutors, please indicate the number of open positions, applicants and judges and public prosecutors actually recruited during the reference year.

The reply should include the total number of open positions, applicants and recruited persons following initial recruitment procedures of judges and public prosecutors completed within the reference year. In case there are more ways for recruitment in your country, please include all of them, except those which are rare and exceptional, and explain the situation in the comments.

The number of "opened positions", number of "applicants" and number of "recruited persons" should only include recruitment procedures that were finalised during the reference year, regardless of when these procedures started (for example, it might happen that some procedures started before the reference year). Specifically, applicants who applied during the reference year should be excluded if the recruitment procedure has not been fully finalised during the same year (reference year). This instruction should allow for a possibility to calculate a ratio between applicants and recruited persons.

The number of “applicants” should include all candidates who submitted a valid application and met the formal eligibility criteria defined in the recruitment notice.

If one candidate applies for several vacant positions through separate recruitment procedures each application should be counted.

42. Is your country experiencing difficulties in recruiting judges and/or public prosecutors? In that case, have any measures been taken to remedy this issue? / In case your country does not experience any difficulties, what factors contribute to the attractiveness of these professions at national level?

This **open** question aims to understand whether your country faces challenges in recruiting judges and/or public prosecutors. If difficulties exist, please describe the nature of these challenges and any actions or strategies you have implemented to overcome them. Your detailed information will help identify common recruitment issues and effective practices to support recruitment of judges and public prosecutors at the national level of the member States.

Examples of possible measures taken to address recruitment difficulties or prevent them by making the profession appealing in your country, might be: increase of salary or other financial incentives, improving working conditions, workload reduction at the beginning of the career, other adjustments as part of the induction process for new judges, career development opportunities, social status etc.

If you do not experience difficulties in recruiting judges and public prosecutors, and these two professions enjoy a certain appeal compared to other legal professions, it would be very useful to explain the reasons and/or strategies aimed at maintaining their attractiveness.

4.6 Part time judges and public prosecutors

43. What arrangements or adjustments to working time or conditions are possible for judges and public prosecutors?

The main purpose of this question is to gather information on the different options available in your country for arrangements or adjustments to working time or conditions for judges and public prosecutors.

It should be noted that teleworking or flexible working time, which primarily concern the judge's and public prosecutor’s ability to organise their own working day, are not covered by this question. Similarly, short-term special leave due to exceptional circumstances (e.g., sick leave for children) should not be taken into account here.

This question concerns the modalities of arrangements made with or without a reduction in remuneration.

“Part-time work” should be understood as requiring less working time than prescribed for full-time work of professional judges and prosecutors. Additionally, the remuneration for professional judges and public prosecutors working part-time is proportionally reduced in relation to the remuneration for full-time work.

Systems that do not provide the possibility for judges and prosecutors to work part-time often offer alternative options to adjust working time or conditions, while some states that do allow judges and public prosecutors to work part-time may also offer other additional adjustments of working time or conditions.

“Temporary reduction of the workload” may be granted to a judge and a prosecutor either by decreasing the number of cases a judge and a public prosecutor must resolve or by reducing the number of other tasks they are required to complete.

“Temporary reduction of the working time based on specific reason / special leave” – the temporary reduction of working time based on specific reason allows a judge or a public prosecutor to continue working but with fewer hours or working days for a specified period of time (e.g., 4 hours a day or 10 working days a month for a duration of 6 months and similar). On the other hand, special leave refers to situations where a judge or a prosecutor is granted a complete absence from work for a defined period of time, such as 6 months for childcare.

If none of the available options align with your system, or if additional measures exist in your country, please select the option “other measures” and provide an explanation of these other measures that are available in your country in the comment.

44. If part time work is possible, what is the number of professional judges and public prosecutors working part-time?

If the system allows for part-time work, the actual number of professional judges and prosecutors (indicated as the number of persons, not as a percentage of the total number or in FTEs) should be provided.

Please also specify, if available, the number of male and female judges and prosecutors.

4.7 Salaries of judges and public prosecutors

45. Revised Q132. Salaries of judges and public prosecutors for the reference year:

This question collects data on the gross and net annual salary in euros of judges and public prosecutors, focusing on two different indicators: the salary at the beginning of the career (at a first instance court for a judge/public prosecutor; starting salary at his/her salary scale) and the salary at the end of the career (within the Supreme Court or the Highest Appellate Court). These indicators represent the salary for full-time work.

The purpose of this question is to illustrate the evolution of judges’ and public prosecutors’ salaries throughout their carrier - from entry-level positions (the very beginning when a person starts working as a judge/ public prosecutor) to the highest possible stage of career (depending on the court level (for most of the countries) or other factors such as years of experience (in Italy for example).

Please indicate the highest possible salary of a judge/public prosecutor at the highest level, but not the salary of the Court President/the Attorney General, even if no judge/public prosecutor reached this exact amount in the reference year.

The *gross* annual salary refers to the amount before any welfare contributions and deduction of taxes. (see question 4). The *net* salary is calculated *after* the deduction of welfare costs (such as pension schemes) and taxes (for those countries where they are deducted beforehand and automatically from the sources of income; when this is not the case, please indicate that a judge/public prosecutor has to pay further income taxes on this "net" salary, so that it can be taken into account in the comparison).

Please note that only financial benefits that are regularly paid to all judges/public prosecutors irrespective of their personal circumstances should be included in the amount (for example 13th month salary that is paid without exception to all judges/public prosecutors in the court).

To understand the system better, please describe in the general comment the data you provided in the table as well as how the salaries progress throughout the career of a judge/public prosecutor, what factors influence the level of salary etc.

Please also specify in the comment (under the question), if judges and public prosecutors receive any additional financial or non-financial benefits beyond their annual salary. For example:

- Special pension: more advantageous pension schemes than the general public pension system
- Housing: free or subsided housing, especially if assigned outside of their place of residence
- Benefits linked to personal circumstances (for example family allowances depending on the number of children)
- Productivity bonus: possibility for judges'/prosecutors' additional remuneration to be in relation to the number of decisions, quality of their work or any other productivity criteria
- Other financial benefits: any other financial benefits not covered by the categories above

4.8 Performance and evaluation of judges and public prosecutors

46. Does your country implement a system for evaluating judges and public prosecutors? If yes, please select the relevant options (multiple replies possible).

This question aims at finding out more about the system of individual assessment of the work of judges and public prosecutors and to better understand its legal framework, scope, and application.

Please indicate for each category (judges and public prosecutors) whether the evaluation system is:

- **mandatory and formal:** a structured evaluation procedure regulated by law or other national regulations automatically applied to all judges or public prosecutors, even if some might be excluded from the evaluation (court presidents, heads of prosecution services).

- **optional and formal:** a structured evaluation procedure regulated by law or other national regulations that is not automatically applied to all judges or public prosecutors but is carried out in specific cases (promotion or upon request). The process follows formal rules and criteria, even though its application is not systematic or mandatory.

- **Informal:** refers to a non-structured process aimed at providing feedback or guidance. It does not follow a legally established framework and does not have formal consequences, but it may support professional development or internal discussions about performance (e.g., peer review, discussions with court/prosecutorial leadership).

- **based on quantitative criteria:** for instance, number of resolved cases, Clearance rate, compliance with procedural deadlines etc.

- **based on qualitative criteria:** for instance, reasoning quality, behaviour in hearings, legal knowledge, professionalism, ethics etc.).

In addition, please specify in the comment what are the quantitative and/or qualitative criteria used.

47. Please describe the individual evaluation system of judges and public prosecutors in your country. In particular, indicate the frequency, the authority responsible, the categories of judges and public prosecutors evaluated, the purposes of the evaluation and other details.

Please briefly describe the evaluation system in place, addressing the following aspects:

- Frequency: please indicate the frequency of the assessment procedure, especially if the assessment periods differ depending on the career progress (e.g., annually, every few years, upon promotion etc.).

- Responsible authority: please identify the institution or authority responsible for conducting the evaluation (e.g., High Judicial Council, Prosecutorial Council, Court president, Prosecutor General, Ministry of Justice). If the responsibility to conduct the evaluation is outside the judiciary, please describe the situation.

- Who is evaluated: please indicate if the evaluation covers all judges/ public prosecutors, or only specific categories (e.g., those on probation, applying for promotion, without managerial responsibilities).
- Purposes for which the assessment results are used: please specify if the results affect the judge/ public prosecutor's career and how, can they result in disciplinary proceedings, etc.

If different systems apply to judges and public prosecutors, or across levels of jurisdiction, please explain each separately.

5 Other professionals

48. Total number of lawyers, enforcement agents, notaries and judicial experts practicing in your country (FTE)

This question is designed to collect **only** the number of lawyers, enforcement agents, notaries and judicial experts in your country. Please provide a separate number for each category according to the following definitions of these categories:

Lawyer

For the purposes of this question, lawyer refers to the definition of the Recommendation Rec(2000)21 of the Committee of Ministers of the Council of Europe on the freedom of exercise of the profession of lawyer, as follows: a person qualified and authorised according to national law to plead and act on behalf of his or her clients, to engage in the practice of law, to appear before the courts or advise and represent his or her clients in legal matters.

Please note that legal advisors who cannot represent their clients in court; namely legal professionals who give legal advice and prepare legal documents but have no competence to represent litigants in courts, should not be included in the number of lawyers referred to in this question.

Enforcement Agent

In accordance with the definition contained in Recommendation Rec(2003)17 of the Committee of Ministers of the Council of Europe on enforcement of court decisions: the enforcement agent is a person authorised by the state to carry out the enforcement process irrespective of whether that person is employed by the state or not.

Please note this question only concerns the enforcement of decisions in civil matters (which include commercial matters and family law issues).

Notary

A notary is a legal professional authorised to perform certain official acts, primarily involving the authentication and certification of documents and legal transactions.

There are two different categories of “notaries”, who do not have neither the same competences and functions nor the same level of legal training.

“Civil law notaries” (in continental civil law States) are public officials appointed by the state who elevate legal acts to authentic instruments. They safeguard consent and protect individuals’ rights, playing a key role in preventing disputes through preventive justice.

“Notaries public” (in common law systems) have more limited roles, mainly witnessing signatures and authenticating documents, with less legal authority and training. Preventive justice is less central to their function.

Judicial Expert

There is no unified definition of the judicial expert, and the role and function of experts are very different depending on their position within the procedure, which varies especially between continental and common law systems.

This question applies to the number of accredited or registered judicial experts.

Several types of experts can be differentiated:

- “Experts designated by the parties in support of their arguments but bound by a duty of independence and impartiality to the court” - these "**experts**" are mainly used in adversarial systems (in particular in common law countries) and are requested by the parties to bring their expertise to support the parties' argumentation. These experts are not to be confused with party experts who only have an obligation to their client and should be excluded from the data.

- “Experts appointed by the court or other authority independent of the parties” – they put at the judge's disposal their scientific and technical knowledge on issues of facts (for instance in forensic medicine, psychiatry, criminal sciences, biology, architecture, arts etc.).

49. Is legal representation in courts exclusively exercised by lawyers in (multiple replies possible)

These questions aim to measure the scope of the extent of exclusivity in legal representation and/or gather information about other persons entitled, depending on the type of cases, to represent clients before courts and to obtain details on their status. In some countries, legal representation by a lawyer is mandatory in criminal cases, whilst in other countries this might not be the case. A similar principle can be found in civil law cases. In certain countries, for civil cases with a small financial value there may not be the obligation to hire a lawyer to represent parties in such cases before the court.

If other persons can represent clients before the courts, please provide details in the comments (representation, may be possible by, for example, a family member, a relevant association, or a law school graduate employed by the represented company).

The answer to this question may vary whether first, second or third instances courts are considered (e.g., lawyers have exclusive rights to represent parties with respect to certain extra-ordinary legal remedies before the Supreme Court).

Dismissal cases should be understood as employment dismissal cases. Criminal cases are divided into two categories – where lawyers are representing the defendant (criminal defence) and where lawyers are representing the victim.

6 Gender equality

50. Please describe if any measures or institutional bodies exist specifically in the judiciary to ensure gender equality for judicial professionals especially concerning recruitment and promotion

This **open** question is dedicated to gender equality in justice systems. It aims to identify existing concrete measures and dedicated competent institutions facilitating gender equality **particularly in the field of justice**, either at national level, or at the level of courts/public prosecution services and do not include those applying generally to the whole public sector, including justice. Exceptionally, you may explain measures of general character if they have had significant impact within the justice system or refer to a norm of general character if a specific part of it targets exclusively the judiciary in more details.

In the frame of this question, the targeted groups of justice professionals are judges, court presidents, prosecutors, heads of prosecution services, non-judge and non-prosecutor staff, and possibly lawyers, notaries, enforcement agents.

The term "measure" should be understood widely and refers to any actions, initiatives, efforts aimed at ensuring gender equality. Some measures such as work life balance measures, existence of subsidies for childcare, establishment of social infrastructure and any other action aimed at making the justice professions more attractive for women could also be considered as measures fostering gender equality in the recruitment and promotion procedures (for more details see CEPEJ *Guidelines on gender equality in the recruitment and promotion of judges*.

Similarly, the term "institutional body" refers to any specific body, or person such as an equal opportunities commissioner, specifically established to deal with gender issues in the justice system either at national level or at a court or public prosecution services level (e.g., in terms of organisation of the judicial work). If such person/institution exists, please specify their title, status (e.g., whether they are independent), competences and tasks, particularly whether their function is consultative, or if their opinions/decisions have legal consequences (e.g., to suspend a decision). Furthermore, you may also indicate which issues fall within the competences of this person/institution, the duration of the mandate, whether it is renewable etc.

A very significant aspect of gender equality is ensuring balanced number of male and female professionals through the procedures of **recruitment**. In this respect, please specify if, for example, a system of quotas and/or similar systems of positive discrimination pursuing the aim of gender balance within a given justice profession exist in your country.

The **promotion** in this question should be understood as a procedure of upgrading the rank and/or salary following an application. For gender equality it is not only important how many professionals of different gender take positions, but also which positions they occupy within the system. Sometimes, despite equal numbers of professionals, there might be an unacknowledged barrier to advancement in a profession for one of the genders, the so-called "glass ceiling". In judicial systems, this phenomenon implies that the higher the instance level, the lower the number of women (and thus the percentage), but also reflects the difficulties to access functions of court presidents and heads of prosecution offices. In order to tackle this issue, please specify if you have introduced specific provisions for facilitating gender equality within promotion procedures of justice professionals. A court president and head of prosecution services are considered particularly important positions of responsibility, and therefore this type of promotion/appointment should also be specifically analysed.

It is noteworthy that the above mentioned CEPEJ *Guidelines on gender equality in the recruitment and promotion of judges* invoke the so-called "confidence gap", when women subjectively undervalue their own competences and skills when assessing the compliance with the formal criteria for employment or promotion. In this respect, relevant examples of measures aimed at promoting gender balance could be trainings on developing soft skills that, in the end, can help every person to manage his/her work better or more efficiently and that would particularly benefit women who might have individual barriers, internalised bias that they are not competent for higher responsibility positions.

7 ECHR

51. What follow-up is given at national level to the established violations by the European Court of Human Rights?

This question is about the follow-up that is given at the national level to the established violations of the Convention by the European Court of Human Rights (ECtHR). It focuses on actions taken at national level beyond the regular execution procedure managed by the state government and the Council of Europe's Committee of Ministers.

Please choose among the following categories which follow-up actions exist in your country:

1. Raising awareness and training initiatives

Indicate if the following initiatives exist in your country: ECHR case-law is part of judges' and prosecutors' trainings; publication of relevant ECHR case-law on official judicial websites, such as those of the government, Ministry of Justice, or Judicial Council; submission of an annual report to Parliament detailing the implementation of ECtHR case law; inclusion of summaries or analyses of ECHR rulings in annual court reports; and any additional measures or initiatives aimed at raising awareness or improving compliance with the provisions of the Convention (e.g., official research or analysis conducted to identify the causes of violations, translation of judgments, organisation of study visits).

2. Information/dissemination of the ECHR case law within the judicial system

Please indicate whether and how information about relevant ECHR judgments is disseminated within your country's judicial system, in particular before the highest instance courts. This includes the mechanisms and channels used to ensure that judicial and other public institutions are informed about the ECtHR case-law developments, enabling better compliance with the European Convention on Human Rights.

Dissemination activities may include but are not limited to: regularly distributing newsletters, bulletins, or official communications summarising recent developments in the case-law; holding internal information sessions; and ensuring that key stakeholders have timely access to relevant information.

Please specify in which institutions the dissemination of ECHR case-law information takes place.

3. Possible remedies (for the established violations of Articles of the Convention)

The states have a legal obligation to remedy the violations found but enjoy a margin of appreciation as regards the means to be used. The measures to be taken are, in principle, identified by the state concerned, under supervision of the Committee of Ministers. Measures to be taken may relate to the individual applicant or be of a general nature.

Please indicate which of the remedies are available in your country for the established violations of the Convention by the ECtHR.

Possible remedies may include but are not limited to:

- The right to claim damages before national courts (besides the just satisfaction due by the member State). This allows individuals to ask monetary compensation before domestic courts for harm suffered because of a violation.
- The right to have the case reopened before national courts. This enables applicants to request a reopening or review of their case at the national level, in light of the violation found by the ECtHR, potentially leading to a new examination of the facts or legal issues.
- The right to request annulment of the national court's judgment. This gives individuals the possibility to challenge and seek invalidation of the original domestic court decision that was found to be in violation of the Convention.
- Other: please specify any additional (not mentioned above) remedies available under national law that address violations identified by the ECtHR.

In case the remedies exist only in one matter (civil, administrative or criminal for example), please specify the situation in the comment.

Please provide a brief description of the selected options to help us better understand how your country ensures follow-up on the European Court of Human Rights' findings of violations. This includes the specific measures and mechanisms in place, as well as their impact on the national legal and judicial system in terms of addressing violations and promoting compliance with the Convention.

For observer States, please indicate NAP.

8 Case flow courts and public prosecution services

Courts case flow

The data collected in this part are used to calculate the two main CEPEJ efficiency indicators, the Clearance Rate and the Disposition Time and other, in order to measure the capacity of European judicial systems to deal with incoming cases brought before their courts and to estimate the theoretical time needed to resolve a pending case, taking into account the current pace of work of each judicial system.

The data collected in the frame of these questions cover the three main legal fields studied by the CEPEJ – civil, administrative and criminal – as well as the three instances of jurisdiction – first, second and final.

Cases (see definition below) dealt with by all courts – both of general jurisdiction and specialised – should be reported under these questions, by instance and by subject matter.

Question 60 focuses more specifically on the actual average duration of judicial proceedings calculated for the reference year, which would complement the CEPEJ's analyses mainly based on *Disposition Time*. The latter has the advantage of being less sensitive to extreme values that may affect the average.

Please note that for each row in the tables in questions 52 to 57 and 61, a special formula is used to ensure the horizontal consistency:
(Pending cases on 1 January + Incoming cases) - Resolved cases = Pending cases on 31 December

52. Number of first instance "other than criminal" court cases.

53. Number of first instance criminal court cases.

54. Number of second instance (appeal) "other than criminal" court cases.

55. Number of second instance (appeal) criminal court cases.

56. Number of highest instance "other than criminal" court cases.

57. Number of highest instance criminal court cases.

Definition of cases

- A **court case** is a request/application submitted to a court in order to resolve a legal issue/problem/situation within the scope of its jurisdiction. A court case is usually registered separately in the court case register according to the national rules. Court cases typically end with a decision on rights and obligations of the parties (in civil and administrative matters) or with a decision on guilt of the defendants (in criminal matters). **Conversely**, administrative tasks in courts such as issuing criminal records certificates, document certification etc. should not be considered as court cases for the purpose of these questions.

In general, the CEPEJ considers that a legal situation constitutes a single case regardless of the different stages (phases) of the domestic procedure, even if these stages are recorded as separate cases at the national level. For example, in criminal matters, a case may go through a preliminary phase before the investigating judge, a trial before another judge, and an enforcement phase carried out by the court, but it remains a single case despite these three procedural stages.

However, given the wide diversity of judicial organisation and procedural law in different countries, and with a view to ensuring the comparability of data, the CEPEJ focuses its analyses on "main cases", *i.e.*, those resulting from requests/applications submitted to the court in order to resolve a legal dispute/problem. You are therefore requested to report main cases in civil (litigious and non-litigious), administrative, and severe and minor criminal cases. These categories are those whose efficiency is analysed by the CEPEJ. As for proceedings that do not have an autonomous existence but are linked to a main case already counted in one of the above-mentioned case categories, they could be reported in the category "other" existing in each question dedicated to court case-flow.

Cases may be ***litigious***, implying the existence of a dispute between the parties that will be decided by a judge. ***Non-litigious*** cases refer to other cases falling within the jurisdiction of the court (generally, there is no direct dispute between the parties). These may include, for example, cases relating to name changes where there is no dispute, but the person concerned applies to the court to have the modification made to his/her civil status. The same applies to cases relating to registers where these fall within the jurisdiction of the courts (e.g., entries in official registers (such as correction of birth records), where the applicant requests the intervention of the court but there is no opposition.

Status of cases (incoming, resolved, pending)

- **Incoming** cases are defined as all cases brought to court within the reference year. Cases that after being appealed, are returned and re-examined by another judge at the same level of jurisdiction should be counted again as new incoming cases.

- ***Resolved*** cases are cases that have come to an end at the relevant instance of jurisdiction (first, second or highest instance) during the reference year by a court decision (judgment or other decision) that resulted in the termination of the proceedings.

- ***Pending cases*** are cases that have not been finalised by a court decision (judgment or another decision). Please specify the number of pending cases on 1 January of the reference year and the number of pending cases on 31 December of the reference year.

- ***Pending cases older than 2 years*** are pending cases (on 31st December of the reference year) that had first arrived at the court more than 2 years ago (*i.e.*, before 1st January of the reference year – 1). This reply concerns only the instance concerned (*e.g.*, for pending cases at second instance the date on which the case was brought before the appeal court is taken into account).

Court instances (first, second and highest instance)

- **First instance cases** (Q52 and Q53) are those brought before a court for the first time.
- **Second instance cases** (Q54 and Q55) result from appeals lodged against first instance court decisions.
- **Cases at the highest instance** (Q56 and Q57) are those dealt with at the last instance, and which can no longer be appealed.

  Almost all member States have three instances of jurisdiction for civil and criminal cases. However, for countries with only two levels of jurisdiction, cases heard on appeal should be counted as last instance cases in questions 56 and 57, while the NAP reply should be selected for questions 54 and 55 relating to second instance cases. The same applies to administrative cases, for which several countries have only two levels of jurisdiction with first instance administrative courts and Supreme administrative courts.

Other than criminal cases (Q52, Q54 et Q56)

This category includes:

1. ***Civil and commercial litigious cases*** are cases falling within the scope of civil law that involve a dispute between parties (natural persons and/or legal entities governed by private law). Civil law covers all types of litigation, such as commercial law, bankruptcy law, labour law, contract law, civil liability law, intellectual property law, etc. Please indicate the number of civil cases that fall within the jurisdiction of the courts of general jurisdiction and that of the specialised courts (question 28). Administrative cases do not fall within this category but within category 3.

2.1. ***Non-litigious cases*** *(civil and commercial non-litigious cases, cases related to registries (land, business or other), other non-litigious cases)* relate to cases before the courts that are decided in a specific procedure that does not require two or more opposing parties to prove their rights and claims (there is no dispute between the parties). For example, this category includes uncontested claims, requests for a change of name, divorce cases by mutual consent, etc.

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

3. ***Administrative law cases*** (litigious or non-litigious) concern disputes between citizens and public authorities (local, regional or national), for instance: asylum refusals or refusals of construction permit. They are considered as administrative cases only if processed in courts of general jurisdiction or specialised courts (question 28) and not when it is only an issue under any administrative body. If a case is first dealt with by a public body/institution whose decision can be appealed before a court, the case brought before the court must be counted as a first instance case and not an appeal. Litigation before state institutions/bodies (other than courts) do not fall within the scope of questions 52, 54 and 56, even if in the national system they constitute the first stage of administrative proceedings.

In some states, administrative cases fall within the jurisdiction of administrative courts and tribunals dealing exclusively with such disputes, while in others they are dealt with by the ordinary civil courts. In the latter case, countries are asked to isolate cases opposing individuals to a public authority and to report their number in this category of “administrative cases”.

4. The category “***other***” may concern other types of cases (not falling within the above categories). These may include, for example, cases relating to legal aid where the granting of such aid falls within the jurisdiction of the courts and requires decision by a judge. Additionally, proceedings that do not have an autonomous existence and are linked to main cases already reported as civil (litigious or non-litigious) or administrative cases should also be categorised here. This is the case for summary proceedings/interim measures taking place in the context of a main case and aimed at obtaining urgent measures.

Please note that tasks like certifying or authenticating documents, issuing apostilles, handling requests to start or stop mediation or arbitration, providing copies of birth, marriage, or death certificates, or giving certified copies of company papers are administrative tasks, so they should not be considered as court cases for the purpose of these questions.

Criminal cases (Q53, Q55 et Q57)

It should be noted from the outset that the scope of questions relating to criminal cases covers both adults and minors.

In criminal matters, the CEPEJ distinguishes between criminal cases brought before the court for trial (severe and minor criminal cases) and investigation proceedings when these fall within the jurisdiction of the courts.

In the first case, these are **all cases for which a sanction may be imposed by a judge following a trial** and which may be either “severe criminal cases” or “minor criminal cases”. All cases for which a sanction may be imposed by a judge should be counted here, even if in some national systems these sanctions fall under administrative law (*e.g.*, fines or community service). In the latter case, please ensure that these cases are not counted a second time under “administrative law cases” in the replies to questions 52, 54 and 56.

In the second case, these are investigation proceedings in countries where they fall within the jurisdiction of the courts (see category *Other criminal cases (Investigation cases in court)* below). Thus, states where investigation is the responsibility of the public prosecutor's office or another body and does not fall within the jurisdiction of the courts are invited to reply NAP for the category “Other criminal cases (investigation cases in court)”.

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

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

The category "***other criminal cases (Investigation cases in court)***" is exclusively dedicated to investigation proceedings when these are entrusted to courts by national law, namely to a judge other than the one who will hear the case at trial (e.g., an investigating judge). This category should only be completed by states whose criminal procedural law assigns investigation to courts rather than to the public prosecutor's office or another body. Countries where investigation does not fall within the jurisdiction of courts are invited to reply NAP for this category of "other criminal cases (investigation cases in court)". Countries where the investigation phase and the trial phase are both within the competence of the courts, but cannot be separated, can reply NA for the categories "other criminal cases (investigation cases in court)" and "total (1+2+3)", whilst entering the "subtotal (1+2)" and its components "severe offences" and "minor offences" and explain the situation in the comments.

On the other hand, motions/applications submitted to a judge by prosecutors during the preliminary phase of the trial with a view to authorising certain measures affecting individuals' fundamental rights (pre-trial detention, telephone tapping, house searches, etc.) do not fall within the scope of questions 53, 55 and 57. Decisions made by the judge in these situations should not be taken into consideration. Similarly, the execution phase of criminal cases also falls outside the scope of questions 53, 55 and 57. Finally, purely administrative services provided within courts, such as the issuance of criminal record certificates, the certification of documents, etc., do not constitute cases for the purposes of these questions.

Within questions 53, 55 and 57 it is required to communicate the subtotal of criminal cases corresponding to the sum of severe criminal cases (1) and minor criminal cases (2). This data enables the analysis of the efficiency of courts in criminal matters, regardless of the specific nature of national criminal procedures, ensuring the comparability of data at European level.

In addition, where relevant, the total for the three categories (1+2+3) should be indicated in order to illustrate the workload of the courts in criminal matters when the investigation phase is conducted by the courts in addition to the trial.

58. Please describe the case types that are included in each category of the questions related to "other than criminal cases" at all three instances Q52, Q54 and Q56 (civil (and commercial) litigious cases, non-litigious cases, administrative cases, other cases)**. In case the content of these categories differs between instances please explain.**

59. Please describe the case types included in each category of the questions related to criminal cases at all three instances 53, 55 and 57 (severe criminal cases, misdemeanour criminal cases, other criminal cases)**. In case the content of these categories differs between instances please explain.**

In the frame of these two questions you are required to briefly describe the content of each category of "other than criminal" (Q58) and "criminal" (Q59) cases presented in questions 52 to 57 in order to compare data of different countries in the most accurate way, to deepen the analyses of the efficiency of European judicial systems, while providing nuances based on the specific characteristics of some of them. These questions are mainly used for data quality control, but also for description of the specifics of different judiciaries presented in the CEPEJ analyses and CEPEJ-STAT.

For these two questions, please indicate the case types constituting each category in order to understand the different types of litigation included. It is preferable not to use national abbreviations from your internal registries, but rather the commonly accepted names for the various types of litigation (*e.g.*, labour law, family law, bankruptcy, misdemeanours, offences, crimes, etc.).

Finally, if the content of the categories varies depending on the court instance, please specify this in your reply.

Specific categories of cases

60. What is the average length of proceedings, for all instances for civil and commercial litigious cases, administrative cases and criminal cases (severe and misdemeanour cases)?

The data requested in the frame of this question should be provided in accordance with the definition of the term “case” given above. Thus, for the categories of “civil and commercial litigious cases” and “administrative law cases”, you are asked to provide the average length of “main cases”, excluding from the calculation cases that do not have an autonomous existence, communicated within the category “other” of questions 52, 54 and 56. For criminal cases, please provide the average length of criminal cases constituting the “subtotal (1+2)” of questions 53, 55 and 57 (severe and minor criminal cases), without taking into account the category “Other criminal cases (investigation cases in court)”.

The **average length at a given instance** is the average of the length of all cases resolved at that instance during the reference year. The average length of a case has to be presented in days. If you have information on the length of a case in months (or years), please recalculate the length of proceedings in days.

The **starting point** for the length of a case is the day on which it is brought before a court. In criminal matters, this is the day on which the case is submitted to a judge for trial, excluding the investigation phase, even though the latter might also fall within the jurisdiction of the courts. If the average length of proceedings is not calculated from the date on which the case is submitted to court, please specify the starting point for the calculation.

The **end point of the length** of a case corresponds to the definition of a “resolved case”, *i.e.*, a moment when a case was concluded during the reference year by a court decision on the merits. The execution stage is not taken into account in this question.

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

Other calculations are also possible and in case other methods of calculation are used, please describe them. Replacing the average duration with the Disposition Time is not correct.

Indeed, Disposition Time is an indicator representing the theoretical time needed to process a pending case, calculated using the following formula: the number of resolved cases during the reference year is divided by the number of pending cases at the end of the year and the result is multiplied by 365.

Thanks to this formula, the Disposition Time is not affected by fluctuations related to exceptional circumstances in a given year (for example, a single case that has been pending for many years and has just been resolved during the reference year). This indicator benefits from a certain stability, thus enabling long-term analyses of the efficiency of judicial systems. On the other hand, the actual length requested in Q60 varies depending on the circumstances of each year and may therefore be subject to significant fluctuations, sometimes linked to a single case. The actual length is very important information for analysing the specific situation in the reference year.

Furthermore, replacing the average length of the entire procedure with the mathematical sum of the average lengths of the different instances is not methodologically correct, since not all cases systematically go to the highest instance or even to appeal.

61. First instance specific cases

This question aims to measure courts' efficiency in relation to certain specific categories of first instance cases. The latter have been chosen as common categories (generally) in Europe to ensure better comparability of the data.

1. ***Litigious divorce cases****: i.e.*, the dissolution of a marriage between two persons, following a judgment of a competent court. The data should not include divorce ruled by an agreement between the parties concerning the separation of the spouses and all its consequences (divorce by mutual consent procedure, even if they are processed by the competent court) or ruled through an administrative procedure. If your country has a fully non-judicial procedure as regards divorce or if you cannot isolate data concerning litigious divorces, please specify it and give the subsequent explanations.

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

3. ***Insolvency***: legal status of a person or an organisation that cannot repay the debts owed to creditors. Data should include not only the court's formal declaration of bankruptcy or insolvency, but also the entire judicial process connected to it, including preparatory proceedings (such as pre-bankruptcy hearings), verification of insolvency, liquidation of assets, debt recovery, distribution to creditors, and judicial closure of the procedure.

4. ***Robbery***: is a theft of property from a person by force or immediate threat of force. If possible, these figures should include muggings (bag-snatching, armed theft, etc.) and exclude pick pocketing, extortion and blackmail (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the robbery is either the only offence concerned, or the main offense concerned in the case.

5. ***Intentional homicide***: is defined as intentional killing of a person. Where possible the figures should *include* assaults leading to death, euthanasia, infanticide and exclude assisted suicide (according to the definition of the European Sourcebook of Crime and Criminal Justice). The data should not include attempts. The case should be counted here when the intentional homicide is either the only offence concerned, or the main offence concerned in the case.

6. ***Bribery cases***: these cases should include criminal offences committed intentionally that sanction the promising, offering or giving by any person, directly or indirectly, of any undue advantage to any of the persons performing their official duties (such as public officials,

members of parliament, judges etc.), for him or her to act or refrain from any acting in the exercise of his or her functions, as well as the request or receipt by any person performing their official duties, directly or indirectly, of any undue advantage or the acceptance of an offer or a promise of such an advantage, to act or refrain from acting in the exercise of his or her functions. The undue advantage might be for oneself or for anyone else. Both cases of active and passive bribery should be included here. The case should be counted here when bribery is either the only offence concerned, or the main offence concerned in the case.

7. ***Trading in influence***: these cases should include criminal offences committed intentionally involving the promising, giving or offering, directly or indirectly, of any undue advantage to anyone who asserts or confirms that he or she is able to exert an improper influence over the decision-making of any person in the performance of their official duties (such as public officials, members of parliament, judges etc.), as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result. The undue advantage might be for oneself or for anyone else. Both cases of active and passive trading in influence should be included. The case should be counted here when trading in influence is either the only offence concerned, or the main offence concerned in the case.

8. **Laundering offences**: these are criminal offences consisting of acts committed intentionally and involving: the conversion or transfer of property, knowing that such property is proceeds, for the purpose of concealing or disguising the illicit origine of the property or of assisting any person who is involved in the commission of predicate offence to evade the legal consequences of his actions; the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of, property, knowing that such property is proceeds; the acquisition, possession or use of property, knowing, at the time of receipt, that such property was proceeds; participation in, association or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the above mentioned offences (article 6 of the Convention of the Council of Europe on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, 8 November 1990).

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

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

This category also includes the other behaviours set out at articles 19 to 23 of the Lanzarote Convention.

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

A: producing child pornography;

B: offering or making available child pornography;

C: distributing or transmitting child pornography;

D: procuring child pornography for oneself or for another person;

E: possessing child pornography;

F: knowingly obtaining access, through information and communication technologies, to child pornography (please refer to Article 20 of the Lanzarote Convention and the Explanatory Report which further develops this provision).

See also the ***Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse***

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

Prosecution case flow

62. Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases). Are you able to separate the criminal cases for which the perpetrator is known from those for which the perpetrator is unknown?

As a preliminary step and in order to increase the comparability of data relating to criminal cases handled by public prosecution services, whose organisation and functioning vary considerably from one state to another, the CEPEJ considered it useful to distinguish between two situations: (1) states whose systems allow separating criminal cases where the perpetrator is known from criminal cases where the perpetrator could not be identified, and (2) states that are not able to make such a distinction. In the first situation, questions 62-a and 62-b should be replied, while in the second situation, question 62-c should be replied.

The distinction between cases where the perpetrator is known and those where the perpetrator is unknown is intended to enable the most accurate calculation of efficiency indicators, given that the work of the public prosecutor differs in the two situations. Often, when the perpetrator is unknown, the case is temporarily suspended by a procedural decision and remains so until the perpetrator is identified, or the statute of limitations expires. For this reason, analysing only the data on criminal cases where the perpetrator is known not only provides a more realistic picture of the actual workload of public prosecutors, but also improves the comparability of indicators such as the average case length (Disposition Time). Indeed, the treatment of cases with unknown perpetrators may differ significantly across countries — in some systems such cases may be closed after a few months, while in others they remain open for many years. This may strongly influence the calculation of average case duration and distort international comparisons.

If you reply to question 62-c, please explain in the comments why the distinction described above is not feasible.

62-a. Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases) without cases for which the perpetrator is unknown.

62-b. Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases for which the perpetrator is unknow.

62-c. Total number of 1st instance criminal cases dealt by public prosecutors (severe cases, misdemeanour cases including traffic offence cases) where known and unknown perpetrators cannot be separated.

In the frame of these questions, the number of cases refers only to first instance criminal cases processed by public prosecutors.

It is important to note that criminal cases involving minors fall within the scope of questions 62 to 62-c and should therefore be taken into account in the replies.

Furthermore, traffic offences also fall within the scope of these questions, if they are cases for which prosecutors are responsible and on which they are working.

The data should be presented per "case" which means that an event or series of events that give rise to the criminal prosecution should be counted as one case irrespective of the number of alleged perpetrators (one or several) or offences (one or more criminal offences).

However, if this methodology cannot be applied, please present the data by "perpetrator", specifying this in the comment. It is essential to use the same unit (per case or per perpetrator) to count all categories of cases (pending, incoming and processed (discontinued, concluded by a penalty, brought to court)) in order to ensure the consistency of the table.

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

2. "Incoming/Received cases" should include cases submitted to public prosecutors by the police and other bodies as well as victims (if applicable) within the reference year. In the frame of question 62-c, this is the only category to be reported.

3. "Processed cases" include all cases that were completed during the reference year, *i.e.*, discontinued on the basis of a legally defined ground, concluded by a penalty or a measure imposed or negotiated by the public prosecutor, or brought to court for trial between 1 January and 31 December. Cases that have been suspended (on a provisional basis) and could not be processed should be reported as "Pending cases on 31 Dec. ref. year".

3.1 "Discontinued" criminal cases are cases received and processed by the public prosecutor, which have not been brought before the court for trial, and which are closed without any penalty being imposed and without any measure being taken. They should include the following categories (3.1.1+3.1.2+3.1.3).

(3.1.1) "Due to the lack of an established offence" – these are situations in which the facts and evidence are insufficient to conclude that an offence defined by criminal law has been committed.

(3.1.2) "For reasons of opportunity" if the legal system allows it. The principle of opportunity gives the prosecutor the power to decide discretionary whether or not to prosecute a person suspected of having committed an offence. This principle contrasts with the principle of mandatory prosecution, which makes prosecution automatic in the event of an offence.

(3.1.3) Discontinued for "other reasons": if, in your system, prosecutors have the authority to dismiss/close cases for reasons other than those listed in the above categories, please explain what these reasons are in the comments. In the frame of question 62-c, cases discontinued due to the expiration of the statute of limitations may be included here.

3.2 Cases "concluded by a penalty or a measure imposed or negotiated by the public prosecutor" refer to cases that are not brought before a judge for a trial on the merits, such as all settlements between the public prosecutor and the defendant. These proceedings must be reported here even when the agreement reached between the public prosecutor and the offender must be approved by a judge (a verification of compliance with the procedural conditions defined by law, not involving the opening of a trial with adversarial proceedings), such as guilty plea proceedings.

3.3 Cases « brought to court for trial » refer to all situations in which public prosecutors bring a case before the court for a decision on the merits through a trial.

4. Cases that are still being processed by the public prosecutor's office at the end of the reference year should be counted in the category "Pending cases on 31 Dec. ref. year". In the context of question 62-c, cases that have been suspended because the perpetrator could not be identified should be counted here.

63. Please select the different roles of the different authorities involved in a pre-trial stage of criminal proceedings (multiple options possible).

Before a case is brought to court by the public prosecutor, the investigation is organised differently depending on the legal systems of member States. For the most accurate analyses of Q62 data on cases dealt with by public prosecutors, it is important to understand the way a criminal case evolves at the pretrial stage of the proceedings. This question is aimed at acquiring knowledge on the peculiarities of the public prosecution services, namely on how public prosecutors' work is coordinated with the roles and functions of other justice professionals involved in the criminal investigation before the trial.

On the one hand, you are asked to identify all authorities intervening at the pretrial stage of criminal proceedings by selecting the appropriate options on the table. On the other hand, you are required to explain in the comment their specific roles/functions and how their activities are coordinated with the one of a public prosecutor.

The replies to this question should bring knowledge on the possible evolution of a criminal case from the date of the victim's complaint to the date the case is terminated by the public prosecutor either by dismissing it, or by a penalty or a measure imposed or negotiated by him/her, or by referral to court. Namely, it is essential to learn before which authority the complaint is submitted, at which stage the public prosecutor starts working on the case, which authorities intervene before the public prosecutor starts working on the case, which authorities act under the supervision of the public prosecutor, which authorities act in parallel to the public prosecutor, to what extent the police is involved in the investigation and how its activity is coordinated with those of public prosecutors, etc.

"**Receive a complaint**": please indicate the competent authorities to receive complaints that may lead to criminal proceedings.

"**Initiate investigation**": please, select the relevant options in respect of the authorities enabled by law to initiate, i.e., to start investigation on facts likely to constitute criminal offence according to the national criminal law.

"**Conduct investigation**": please indicate which authorities carry out in practice the investigation acts (*e.g.*, visiting the crime scene, gathering physical evidence, reconstructing the events, conducting searches and seizures, intercepting of telephone communications, carrying out expert analysis, etc.).

"**Supervising investigation**": this option implies to indicate the authorities that do not conduct in practice the investigation acts but only overview their implementation, ensuring compliance with the law. For example, in some systems, the police act under the supervision of a public prosecutor. Moreover, it is frequent that decisions on pre-trial detention, as well as decisions on investigation measures particularly intrusive into the personal freedom of accused persons taken by the police, the prosecutor or another body (e.g., telephone tapping, etc.) must be approved by a judge.

"**Dismiss a case at the pre-trial stage**": if in the frame of the investigation it is possible to end/close (terminate) a case without any penalty being imposed and without any measure being taken, please specify which authorities are competent to do so.

"**Bring a case to court**": this option concerns the authorities competent to submit a case before the court for a trial in order to obtain a decision on the merits.

"**Decide an alternative to prosecution**": if your system provides for the possibility to resort to alternatives to prosecution, please, specify which authorities are entrusted by law to decide on such measures.

"**Close a case by imposing or negotiating a penalty or measure**": please indicate the authorities competent to negotiate with the defendant at the pre-trial stage in order to avoid a trial before the court. These include for example, all transactions with the defendant, no matter if the agreement reached must be approved by a judge (a verification of compliance with the procedural conditions defined by law, not involving the opening of a trial with adversarial proceedings), such as guilty plea proceedings.

64. If the guilty plea procedure exists, how many cases were concluded by this procedure?

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

9 Mediation

65. Does the judicial system provide for mandatory court related mediation with a mediator in some fields?

According to the CEPEJ, court-related mediation is a mediation which is initiated or carried out by a judge or a public prosecutor or court staff who facilitates, directs, advises on or conducts the mediation process. Such mediation may be mandatory either as a pre-requisite to the institution of proceedings or as a requirement of the court during the proceedings.

For certain types of disputes or legal areas, procedure codes may require that an initial mandatory mediation meeting, or a mandatory informative session with a mediator, or full mandatory mediation be conducted beforehand in order to be able to go to court. Furthermore, in some procedures, the judge to whom a case is addressed may order a mediation at the beginning of judicial proceedings or during these proceedings. If this is the case, please specify in which situations such rules are applied.

For example, in Italy, Lithuania and Türkiye, for certain types of disputes attending of a mediation information session is a procedural requirement (prerequisite) to initiate court proceedings.

66. Number of accredited or registered mediators for court-related mediation

Please indicate the number of accredited or registered mediators, either by the court or by another national authority or an NGO. The purpose of this question is to have an objective basis for counting the number of mediators.

67. Number of court-related mediations

The purpose of this question is to understand in which field court-related mediation is most commonly used and considered as a successful process.

For the purposes of this specific question, "civil cases" exclude family cases, consumer cases and employment dismissal cases, to be separately addressed in the specific rows further in the table.

In the category “Number of cases for which the parties agreed to start mediation” please indicate the number of cases in which an agreement to mediate has been concluded in the reference year.

In the category “Number of finished court-related mediations” please indicate the number of cases which terminated in the reference year (whether by a settlement agreement, a party or both parties deciding to stop mediation, a mediator deciding to terminate the mediation, or any other reason).

In the category “Number of cases in which there is a settlement agreement” please indicate the number of mediation cases conducted within the reference year, in which the parties have reached a settlement agreement.

10 Reforms

68. Please provide information on the current reforms focusing on the main priorities regarding the functioning of justice in your country and specify their status (planned, under discussion, adopted, implemented)

Please indicate general or more specific information on the on-going reforms to be carried out to improve the quality and the efficiency of justice. Please focus on important reforms and developments/evolutions that are more than ideas but already in the planning, adoption or implementation phase. Please consider for example (but not limited to) the following topics:

- Budget

- Courts and public prosecution services (competences and organisation, structural changes (e.g., reform of the judicial map), etc.)

- Access to justice and legal aid

- Legal professionals (organisation, competence, gender equality, training, etc.).

- Civil, criminal and administrative reforms

- Mediation and other alternative dispute resolution measures

- New information and communication technologies and digitalisation

- Other

69. What are the main current challenges of your judicial system?

The aim of this **open** question is to provide an overview of the main challenges concerning the efficiency and quality of the public justice service, ultimately impacting its users in order to get a picture of the common problems faced by judicial systems in the Council of Europe member States.

Please identify and describe in your answer the most significant issues or obstacles currently facing your country's judicial system. These challenges may concern various aspects such as access to justice, budget, digitalisation, case flow and backlog, or other factors (such as for example human resources, demographic and economic or even external (sanitary situation, war)) that affect the fair and effective functioning of the judicial system. Your answer should focus on the issues specific to your country's context and could reflect the priorities of different stakeholders and for which there are official documents, strategies, progress reports, evaluation reports listing also on the challenges that judiciary is facing.

The CEPEJ-GT-EVAL is aware that this question has a subjective aspect and could also have some political implications.

However, please note that the information you provide in this question will not be used in the yearly CEPEJ report nor shared on CEPEJ-STAT but will mainly help the CEPEJ-GT-EVAL to choose the topic of a possible thematic report. Therefore, the replies do not need to be exhaustive or necessarily covered by a reform project.